

BEFORE SUBMITTING YOUR BID

- 1. Use pen and ink to complete the Bid.**
- 2. Have you signed and completed the Contract Agreement, Offer & Award Forms?**
- 3. As a minimum, the Bidder will submit a Bid Package consisting of the Notice to Contractors, the completed Acknowledgement of Bid Amendments & Submission of Bid Bond Validation Number form, the completed Schedule of Items, 2 copies of the completed Agreement, Offer, & Award form, a Bid Bond or Bid Guarantee, and any other Certifications or Bid Requirements listed in the Bid Book.**
- 4. Have you included prices for all Bid Items? (“Zero is not considered a bid price.”)**
- 5. Have you included a bid guarantee? Acceptable forms are:**
 - A. Bid Bond on the Department’s prescribed form for 5% of the Bid Amount. (Or forms that do not contain any significant variations from the Department’s forms as solely determined by the Department.)**
 - B. Official Bank Check, Cashier’s Check, Certified Check, U.S. Postal Money Order or Negotiable Certificate of Deposit in the amount stated in the Notice to Contractors.**
- 6. If the written Bid is to be sent, Federal Express overnight delivery is suggested as the package is delivered directly to the DOT Headquarters Building in Augusta. Other means, such as U.S. Postal Services’ Express Mail has proven not to be reliable.**

AND FOR FEDERAL AID PROJECTS

- 7. Have you included your DBE Utilization commitment in the proper amounts and signed the DBE Certification?**

If you need further information regarding Bid preparation, call the DOT Contracts Section at (207)624-3410.

For complete specifications regarding bidding requirements, refer to Section 102 of the Maine Department of Transportation, Standard Specifications, Revision December 2002.

NOTICE

The Maine Department of Transportation is attempting to improve the way Bid Amendments/Addendums are handled, and allow for an electronic downloading of bid packages from our website, while continuing to maintain a planholders list.

Prospective bidders, subcontractors or suppliers who wish to download a copy of the bid package and receive a courtesy notification of project specific bid amendments, must provide an email address to Diane Barnes at the MDOT Contracts mailbox at: MDOT.contracts@maine.gov. Each bid package will require a separate request.

Additionally, interested parties will be responsible for reviewing and retrieving the Bid Amendments from our web site, and acknowledging receipt and incorporating those Bid Amendments in their bids using the Acknowledgement of Bid Amendment Form.

The downloading of bid packages from the MDOT website is not the same as providing an electronic bid to the Department. Electronic bids must be submitted via <http://www.BIDX.com>. For information on electronic bidding contract Rebecca Pooler at rebecca.pooler@maine.gov.

NOTICE

For security and other reasons, all Bid Packages which are mailed, shall be provided in double (one envelope inside the other) envelopes. The *Inner Envelope* shall have the following information provided on it:

Bid Enclosed - Do Not Open

PIN:

Town:

Date of Bid Opening:

Name of Contractor with mailing address and telephone number:

In Addition to the usual address information, the *Outer Envelope* should have written or typed on it:

Double Envelope: Bid Enclosed

PIN:

Town:

Date of Bid Opening:

Name of Contractor:

This should not be much of a change for those of you who use Federal Express or similar services.

Hand-carried Bids may be in one envelope as before, and should be marked with the following information:

Bid Enclosed: Do Not Open

PIN:

Town:

Name of Contractor:

STATE OF MAINE DEPARTMENT OF TRANSPORTATION
Bid Guaranty-Bid Bond Form

KNOW ALL MEN BY THESE PRESENTS THAT_____

_____, of the City/Town of _____ and State of _____

as Principal, and _____ as Surety, a

Corporation duly organized under the laws of the State of _____ and having a usual place of

Business in _____ and hereby held and firmly bound unto the Treasurer of

the State of Maine in the sum of _____ for payment which Principal and Surety bind

themselves, their heirs, executors, administrators, successors and assigns, jointly and severally.

The condition of this obligation is that the Principal has submitted to the Maine Department of

Transportation, hereafter Department, a certain bid, attached hereto and incorporated as a

part herein, to enter into a written contract for the construction of _____

_____ and if the Department shall accept said bid

and the Principal shall execute and deliver a contract in the form attached hereto (properly

completed in accordance with said bid) and shall furnish bonds for this faithful performance of

said contract, and for the payment of all persons performing labor or furnishing material in

connection therewith, and shall in all other respects perform the agreement created by the

acceptance of said bid, then this obligation shall be null and void; otherwise it shall remain in full

force, and effect.

Signed and sealed this _____ day of _____ 20_____

WITNESS:

WITNESS

PRINCIPAL:

By _____

By: _____

By: _____

SURETY:

By _____

By: _____

Name of Local Agency: _____

NOTICE

Bidders:

Please use the attached “Request for Information” form when faxing questions and comments concerning specific Contracts that have been Advertised for Bid. Include additional numbered pages as required.

REQUEST FOR INFORMATION

Date _____ Time _____

Information Requested: **PIN:** _____ **Town(s):** _____

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

Request by: _____ **Phone:** (____) _____

Bid Date: _____ **Fax:** (____) _____

Complete top portion of form and transmit to the number listed in the Notice to Contractors

RFI No: _____ RFI received: _____

Response:_____

[illegible]

Response By:_____ Date:_____

INSTRUCTIONS FOR PREPARING THE CONTRACTOR'S DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION PLAN

The Contractor Shall:

1. Submit a completed Contractor's Disadvantaged Business Enterprise Utilization Plan to the Contract's Engineer by 4:30 P.M. on the Bid day.
2. Extend equal opportunity to MDOT certified DBE firms (as listed in MDOT's DBE Directory of Certified Businesses) in the selection and utilization of Subcontractors and Suppliers.

SPECIFIC INSTRUCTIONS FOR COMPLETING THE FORM:

Insert Contractor name, the name of the person(s) preparing the form, and that person(s) telephone and fax number.

Provide total Bid price, Federal Project Identification Number, and location of the Project work.

In the columns, name each DBE firm to be used, provide the Unit or Item cost of the Work/Product to be provided by the DBE firm, give a brief description of the Work, and the dollar value of the Work.

If no DBE firm is to be utilized, the Contractor must document the reason(s) why no DBE firms are being used. Specific supporting evidence of good faith efforts taken by Contractors to solicit DBE Bidders must be attached. This evidence, as a minimum, includes phone logs, e-mail and/or mail DBE solicitation records, and the documented results of these solicitations.

NOTICE

Disadvantaged Business Enterprise Proposed Utilization

The Apparent Low Bidder must submit the Disadvantaged Business Enterprise Proposed Utilization form by close of Business (4:30 P.M.) on Bid day.

The Contractor's Disadvantaged Business Enterprise Proposed Utilization Plan form contains additional information that is required by USDOT.

The Contractor's Disadvantaged Business Enterprise Proposed Utilization Plan form must be used.

A copy of the new Contractor's Disadvantaged Business Enterprise Proposed Utilization Plan and instructions for completing it are attached.

Note: Questions about DBE firms, or to obtain a printed copy of the DBE Directory, contact Equal Opportunity at (207) 624-3066.

MDOT's DBE Directory of Certified firms can also be obtained at http://www.state.me.us/mdot/humnres/o_equalo/cdwbed_h.htm

CONTRACTOR'S DISADVANTAGED BUSINESS ENTERPRISE PROPOSED UTILIZATION PLAN

Low Bidder shall furnish completed form to Contracts Section by 4:30 P.M. on Bid Opening day.

TO: MDOT Contracts Section
16 State House Station,
Augusta, Me 04333-0016
or
Fax: 207-624-3431

Contractor: _____

Prepared by: _____

Telephone: _____ Fax: _____

BID PRICE: \$ _____ FEDERAL PROJECT # _____ LOCATION: _____

TOTAL DBE PARTICIPATION AS A PERCENT OF TOTAL BID PRICE = _____ %

DBE Firm*	Unit/Item Cost	Unit #	Description of work & Item Number	Actual \$ Value
Total >				

If no DBE firm(s) are used, bidder must document efforts made to secure DBE participation and attach supporting evidence of this effort:

_____.

Examples: Bidder relies wholly upon low quote subcontractor section, DBE firm(s) were not low quote.
No DBE firms bid.

*Only DBE firms certified by MDOT prior to bidding can be utilized by Contractor for DBE credit.
Directory of certified DBEs is available on MDOT's website: www.state.me.us/mdot

Equal Opportunity Use:

Plan received ____/____/____ Verified by: _____ Action: _____



Office of Human Resources

Equal Opportunity

MAINE DEPARTMENT OF TRANSPORTATION

Certified Disadvantaged and Women Business Enterprise

DBE DIRECTORY - MINORITY OWNED

WBE DIRECTORY - WOMEN OWNED

WEBSITE FOR DIRECTORY CAN BE FOUND AT:

http://www.state.me.us/mdot/humnres/o_equalo/cdwbed_h.htm

It is the responsibility of the Contractor to access the DBE Directory at this site in order to have the most current listings.

STATE OF MAINE DEPARTMENT OF TRANSPORTATION NOTICE TO CONTRACTORS

Sealed Bids addressed to the Maine Department of Transportation, Augusta, Maine 04333 and endorsed on the wrapper "Bids for Bridge Replacement in Salem TWP" will be received from contractors at the Reception Desk, Maine DOT Building, Child Street, Augusta, Maine, until 11:00 o'clock A.M. (prevailing time) on March 10, 2004, and at that time and place publicly opened and read. Bids will be accepted from contractors prequalified by the Department of Transportation for **Bridge Projects**. All other Bids may be rejected. **We now accept electronic bids for those bid packages posted on the bidx.com website. Electronic bids do not have to be accompanied by paper bids. Please note: the Department will accept a facsimile of the bid bond; however, the original bid bond must then be received at the MDOT Contract Section within 72 hours of the bid opening.** Until further notice,, dual bids (one paper, one electronic) will be accepted, with the paper copy taking precedence.

Description: Maine Federal Aid Project No. BR-8973(00)X, PIN 8973.00

Location: In Franklin County, project is located on Route 142 approximately 0.42 mile northerly of the Phillips town line at the Mill Pond Bridge over the Carrabassett River.

Outline of Work: 4550 M3 earth and approach work, 605 MG hot mix asphalt, 270 M steel H-beam piles, 51500 KG structural steel, 840 shears connectors, 163 M3 structural concrete, 65M steel bridge rail, 360 M3 plain riprap and other incidental work.

For general information regarding Bidding and Contracting procedures, contact Scott Bickford at (207)624-3410. Our webpage at <http://www.state.me.us/mdot/project/design/homepg.htm> contains a copy of the schedule of items, Plan Holders List, written portions of bid amendments (not drawings), and bid results. For Project-specific information fax all questions to **Project Manager Wayne Frankhauser** at (207)624-3491. Questions received after 12:00 noon of Monday prior to bid date will not be answered. Bidders shall not contact any other Departmental staff for clarification of Contract provisions, and the Department will not be responsible for any interpretations so obtained. Hearing impaired persons may call the Telecommunication Device for the Deaf at (207) 624-3007.

Plans, specifications and bid forms may be seen at the Maine DOT Building in Augusta, Maine and at the Department of Transportation's Division Office in **Division 7 Dixfield**. They may be purchased from the Department between the hours of 8:00 a.m. to 4:30 p.m. by cash, credit card (Visa/Mastercard) or check payable to Treasurer, State of Maine sent to Maine Department of Transportation, Attn.: Mailroom, 16 State House Station, Augusta, Maine 04333-0016. They also may be purchased by telephone at (207) 624-3536 between the hours of 8:00 a.m. to 4:30 p.m. Full size plans \$29.00(\$33.50 by mail). Half size plans \$14.50 (\$17.50 by mail), Bid Book \$10 (\$13 by mail), Single Sheets \$2, payment in advance, all non-refundable.

Each Bid must be made upon blank forms provided by the Department and must be accompanied by a bid bond at 5% of the bid amount or an official bank check, cashier's check, certified check, certificate of deposit, or United States postal money order in the amount of \$25,000.00 payable to Treasurer, State of Maine as a Bid guarantee. A Contract Performance Surety Bond and a Contract Payment Surety Bond, each in the amount of 100 percent of the Contract price, will be required of the successful Bidder.

This Contract is subject to all applicable Federal Laws. This contract is subject to compliance with the Disadvantaged Business Enterprise program requirements as set forth by the Maine Department of Transportation.

All work shall be governed by "State of Maine, Department of Transportation, Standard Specifications, Revision of December 2002", price \$10 [\$13 by mail], and Standard Details, Revision of December 2002, price \$20 [\$25 by mail]. Standard Detail updates can be found at <http://www.state.me.us/mdot/project/design/homepg.htm>

The right is hereby reserved to the MDOT to reject any or all bids.

Augusta, Maine
February 25, 2004



JOHN E. DORITY
CHIEF ENGINEER

MAINE DEPARTMENT OF TRANSPORTATION

BID

DATE OF OPENING :

CALL ORDER :

CONTRACT ID : 008973.00

PROJECTS

BR-8973(00)X

COUNTY : FRANKLIN

SCHEDULE OF ITEMS

REVISED:

CONTRACT ID: 008973.00

PROJECT(S): BR-8973(00)X

CONTRACTOR : _____

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS

SECTION 0001 BRIDGE ITEMS

0010	202.19 REMOVING EXISTING BRIDGE	LUMP	LUMP			
0020	203.20 COMMON EXCAVATION	2090.000 M3				
0030	203.24 COMMON BORROW	450.000 M3				
0040	203.25 GRANULAR BORROW	205.000 M3				
0050	206.082 STRUCTURAL EARTH EXCAVATION - MAJOR STRUCTURES	95.000 M3				
0060	304.10 AGGREGATE SUBBASE COURSE - GRAVEL	2150.000 M3				
0070	403.207 HOT MIX ASPHALT 19.0 MM NOMINAL MAX SIZE	320.000 MG				
0080	403.208 HOT MIX ASPHALT 12.5 MM, SURFACE	225.000 MG				
0090	403.210 HOT MIX ASPHALT 9.5 MM NOMINAL MAX SIZE	60.000 MG				
0100	501.231 DYNAMIC LOADING TEST	1.000 EA				

SCHEDULE OF ITEMS

REVISED:

CONTRACT ID: 008973.00

PROJECT(S): BR-8973(00)X

CONTRACTOR : _____

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
0110	501.50 STEEL H-BEAM PILES 132 KG/M, DELIVERED	270.000 M				
0120	501.501 STEEL H-BEAM PILES 132 KG/M, IN PLACE	270.000 M				
0130	501.90 PILE TIPS	8.000 EA				
0140	501.91 PILE SPLICES	4.000 EA				
0150	501.92 PILE DRIVING EQUIPMENT MOBILIZATION	LUMP	LUMP			
0160	502.219 STRUCTURAL CONCRETE, ABUTMENTS AND RETAINING WALLS	LUMP	LUMP			
0170	502.26 STRUCTURAL CONCRETE ROADWAY AND SIDEWALK SLABS ON STEEL BRIDGES	LUMP	LUMP			
0180	502.45 STRUCTURAL CONCRETE APPROACH SLABS	16.000 M3				
0190	502.49 STRUCTURAL CONCRETE CURBS AND SIDEWALKS	LUMP	LUMP			
0200	503.12 REINFORCING STEEL, FABRICATED AND DELIVERED	4200.000 KG				
0210	503.13 REINFORCING STEEL, PLACING	4200.000 KG				

SCHEDULE OF ITEMS

REVISED:

CONTRACT ID: 008973.00

PROJECT(S): BR-8973(00)X

CONTRACTOR : _____

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
0220	503.17 MECHANICAL WELDED SPLICE	64.000 EA				
0230	504.702 STRUCTURAL STEEL FABRICATED AND DELIVERED, WELDED	LUMP	LUMP			
0240	504.71 STRUCTURAL STEEL ERECTION	LUMP	LUMP			
0250	505.08 SHEAR CONNECTORS	LUMP	LUMP			
0260	507.0811 STEEL BRIDGE RAILING, 2 BAR	LUMP	LUMP			
0270	508.14 HIGH PERFORMANCE WATERPROOFING MEMBRANE	LUMP	LUMP			
0280	511.07 COFFERDAM: ABUTMENT NO. 1	LUMP	LUMP			
0290	511.07 COFFERDAM: ABUTMENT NO. 2	LUMP	LUMP			
0300	514.06 CURING BOX FOR CONCRETE CYLINDERS	1.000 EA				
0310	515.20 PROTECTIVE COATING FOR CONCRETE SURFACES	120.000 M2				
0320	526.34 PERMANENT CONCRETE TRANSITION BARRIER	4.000 EA				

SCHEDULE OF ITEMS

REVISED:

CONTRACT ID: 008973.00

PROJECT(S): BR-8973(00)X

CONTRACTOR : _____

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
0330	603.17 450 MM CULVERT PIPE OPTION I	9.000 M				
0340	605.09 150 MM UNDERDRAIN TYPE B	100.000 M				
0350	605.11 300 MM UNDERDRAIN TYPE C	60.000 M				
0360	606.17 GUARDRAIL TYPE 3B - SINGLE RAIL	31.000 M				
0370	606.1721 BRIDGE TRANSITION - TYPE 1	4.000 EA				
0380	606.35 GUARDRAIL DELINEATOR POST	6.000 EA				
0390	606.76 MODIFIED ECCENTRIC LOADER TERMINAL	4.000 EA				
0400	610.08 PLAIN RIPRAP	360.000 M3				
0410	610.18 STONE DITCH PROTECTION	40.000 M3				
0420	613.319 EROSION CONTROL BLANKET	50.000 M2				
0430	615.0701 LOAM - PLAN QUANTITY	90.000 M3				

SCHEDULE OF ITEMS

REVISED:

CONTRACT ID: 008973.00

PROJECT(S): BR-8973(00)X

CONTRACTOR : _____

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
0440	618.1301 SEEDING METHOD NUMBER 1 - PLAN QUANTITY	8.000 UN				
0450	618.1401 SEEDING METHOD NUMBER 2 - PLAN QUANTITY	10.000 UN				
0460	619.1201 MULCH - PLAN QUANTITY	18.000 UN				
0470	619.1401 EROSION CONTROL MIX	180.000 M3				
0480	621.195 MEDIUM DECIDUOUS TREE (45 MM - 50 MM CALIPER) GROUP A	6.000 EA				
0490	621.273 LARGE DECIDUOUS TREE (50 MM - 65 MM CALIPER) GROUP A	3.000 EA				
0500	621.546 DECIDUOUS SHRUBS (600 MM - 900 MM) GROUP A	18.000 EA				
0510	621.552 DECIDUOUS SHRUBS (900 MM - 1200 MM) GROUP A	12.000 EA				
0520	627.711 WHITE OR YELLOW PAINTED PAVEMENT MARKING LINE (PLAN QUANTITY)	870.000 M				
0530	629.05 HAND LABOR, STRAIGHT TIME	40.000 HR				
0540	631.12 ALL PURPOSE EXCAVATOR (INCLUDING OPERATOR)	20.000 HR				

SCHEDULE OF ITEMS

REVISED:

CONTRACT ID: 008973.00

PROJECT(S): BR-8973(00)X

CONTRACTOR : _____

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
0550	631.172 TRUCK - LARGE (INCLUDING OPERATOR)	20.000 HR				
0560	637.071 DUST CONTROL	LUMP	LUMP			
0570	639.19 FIELD OFFICE TYPE B	1.000 EA				
0580	652.312 TYPE III BARRICADE	6.000 EA				
0590	652.33 DRUM	10.000 EA				
0600	652.34 CONE	20.000 EA				
0610	652.35 CONSTRUCTION SIGNS	50.000 M2				
0620	652.361 MAINTENANCE OF TRAFFIC CONTROL DEVICES	LUMP	LUMP			
0630	652.38 FLAGGER	160.000 HR				
0640	656.75 TEMPORARY SOIL EROSION AND WATER POLLUTION CONTROL	LUMP	LUMP			
0650	659.101 MOBILIZATION	LUMP	LUMP			
	SECTION 0001 TOTAL					

SCHEDULE OF ITEMS

REVISED:

CONTRACT ID: 008973.00

PROJECT(S): BR-8973(00)X

CONTRACTOR : _____

LINE NO	ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
			DOLLARS	CTS	DOLLARS	CTS
	TOTAL BID					

SPECIAL PROVISION 102.7.3
ACKNOWLEDGMENT OF BID AMENDMENTS
&
SUBMISSION OF BID BOND VALIDATION NUMBER (IF APPLICABLE)

With this form, the Bidder acknowledges its responsibility to check for all Amendments to the Bid Package. For each Project under Advertisement, Amendments are located at <http://www.state.me.us/mdot/comprehensive-list-projects/project-information.php>. It is the responsibility of the Bidder to determine if there are Amendments to the Project, to download them, and to incorporate them into their Bid Package. The Maine DOT will not post Bid Amendments any later than noon the day before Bid opening.

Amendment Number	Date

The Contractor, for itself, its successors and assigns, hereby acknowledges that it has received all of the above referenced Amendments to the Bid Package. Failure to acknowledge receipt of all Amendments to the Bid Package will be considered a Non-curable Bid Defect in accordance with Section 102.11.1 of the Standard Specifications, Revision of December 2002.

CONTRACTOR

Date

Signature of authorized representative

(Name and Title Printed)

Bid Bond Validation Number _____
(Applicable to annual bid bonds or electronic bid bonds.)

CONTRACT AGREEMENT, OFFER & AWARD

AGREEMENT made on the date last signed below, by and between the State of Maine, acting through and by its Department of Transportation (Department), an agency of state government with its principal administrative offices located at 1705 U.S. Route 202, Winthrop, Maine, with a mailing address at 16 State House Station, Augusta, Maine 04333-0016, and (Name of the firm bidding the job) a corporation or other legal entity organized under the laws of the State of Maine, with its principal place of business located at (address of the firm bidding the job)

The Department and the Contractor, in consideration of the mutual promises set forth in this Agreement (the "Contract"), hereby agree as follows:

A. The Work.

The Contractor agrees to complete all Work as specified or indicated in the Contract including Extra Work in conformity with the Contract, PIN No. 1224.00, for the Hot Mix Asphalt Overlay in the town/city of West Eastport, County of Washington, Maine. The Work includes construction, maintenance during construction, warranty as provided in the Contract, and other incidental work.

The Contractor shall be responsible for furnishing all supervision, labor, equipment, tools supplies, permanent materials and temporary materials required to perform the Work including construction quality control including inspection, testing and documentation, all required documentation at the conclusion of the project, warranting its work and performing all other work indicated in the Contract.

The Department shall have the right to alter the nature and extent of the Work as provided in the Contract; payment to be made as provided in the same.

B. Time.

The Contractor agrees to complete all Work, except warranty work, on or before November 15, 2003. Further, the Department may deduct from moneys otherwise due the Contractor, not as a penalty, but as Liquidated Damages in accordance with Sections 107.7 and 107.8 of the State of Maine Department of Transportation Standard Specifications, Revision of December 2002.

C. Price.

The quantities given in the Schedule of Items of the Bid Package will be used as the basis for determining the original Contract amount and for determining the amounts of the required Performance Surety Bond and Payment Surety Bond, and that the amount of this offer is (Place bid here in alphabetical form such as One Hundred and Two dollars and 10 cents)
\$ (repeat bid here in numerical terms, such as \$102.10) Performance Bond and Payment Bond each being 100% of the amount of this Contract.

D. Contract.

This Contract, which may be amended, modified, or supplemented in writing only, consists of the Contract documents as defined in the Plans, Standard Specifications, Revision of December 2002, Standard Details Revision of December 2002, Supplemental Specifications, Special Provisions, Contract Agreement; and Contract Bonds. It is agreed and understood that this Contract will be governed by the documents listed above.

E. Certifications.

By signing below, the Contractor hereby certifies that to the best of the Contractor's knowledge and belief:

1. All of the statements, representations, covenants, and/or certifications required or set forth in the Bid and the Bid Documents, including those in Appendix A to Division 100 of the Standard Specifications Revision of December 2002 (Federal Contract Provisions Supplement), and the Contract are still complete and accurate as of the date of this Agreement.
2. The Contractor knows of no legal, contractual, or financial impediment to entering into this Contract.
3. The person signing below is legally authorized by the Contractor to sign this Contract on behalf of the Contractor and to legally bind the Contractor to the terms of the Contract.

F. Offer.

The undersigned, having carefully examined the site of work, the Plans, Standard Specifications, Revision of December 2002, Standard Details Revision of December 2002, Supplemental Specifications, Special Provisions, Contract Agreement; and Contract Bonds contained herein for construction of:

PIN 1234.00 West Eastport, Hot Mix Asphalt Overlay,

State of Maine, on which bids will be received until the time specified in the "Notice to Contractors" do(es) hereby bid and offer to enter into this contract to supply all the materials, tools, equipment and labor to construct the whole of the Work in strict accordance with the terms and conditions of this Contract at the unit prices in the attached "Schedule of Items".

The Offeror agrees to perform the work required at the price specified above and in accordance with the bids provided in the attached "Schedule of Items" in strict accordance with the terms of this solicitation, and to provide the appropriate insurance and bonds if this offer is accepted by the Government in writing.

As Offeror also agrees:

First: To do any extra work, not covered by the attached "Schedule of Items", which may be ordered by the Resident, and to accept as full compensation the amount determined upon a "Force Account" basis as provided in the Standard Specifications, Revision of December 2002, and as addressed in the contract documents.

Second: That the bid bond at 5% of the bid amount or the official bank check, cashier's check, certificate of deposit or U. S. Postal Money Order in the amount given in the "Notice to Contractors", payable to the Treasurer of the State of Maine and accompanying this bid, shall be forfeited, as liquidated damages, if in case this bid is accepted, and the undersigned shall fail to abide by the terms and conditions of the offer and fail to furnish satisfactory insurance and Contract bonds under the conditions stipulated in the Specifications within 15 days of notice of intent to award the contract.

Third: To begin the Work on the date specified in the Engineer's "Notice to Commence Work" as stated in Section 107.2 of the Standard Specifications Revision of 2002 and complete the Work within the time limits given in the Special Provisions of this Contract.

Fourth: The Contractor will be bound to the Disadvantaged Business Enterprise (DBE) Requirements contained in the attached Notice (Additional Instructions to Bidders) and submit a completed Contractor's Disadvantaged Business Enterprise Utilization Plan by 4:30pm on the day of bid opening to the Contracts Engineer.

Fifth: That this offer shall remain open for 30 calendar days after the date of opening of bids.

Sixth: The Bidder hereby certifies, to the best of its knowledge and belief that: the Bidder has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of competitive bidding in connection with its bid, and its subsequent contract with the Department.

IN WITNESS WHEREOF, the Contractor, for itself, its successors and assigns, hereby execute two duplicate originals of this Agreement and thereby binds itself to all covenants, terms, and obligations contained in the Contract Documents.

Date

(Witness Sign Here)
Witness

CONTRACTOR
(Sign Here)

(Signature of Legally Authorized Representative of the Contractor)

(Print Name Here)
(Name and Title Printed)

G. Award.

Your offer is hereby accepted.
documents referenced herein.

This award consummates the Contract, and the

MAINE DEPARTMENT OF TRANSPORTATION

Date

By: David A. Cole, Commissioner

(Witness)

BOND # _____

CONTRACT PERFORMANCE BOND
(Surety Company Form)

KNOW ALL MEN BY THESE PRESENTS: That _____
_____ **and the State of** _____, as principal,
and _____,
a corporation duly organized under the laws of the State of _____ and having a
usual place of business _____,
as Surety, are held and firmly bound unto the Treasurer of the State of Maine in the sum
of _____ **and 00/100 Dollars (\$** _____ **)**,
to be paid said Treasurer of the State of Maine or his successors in office, for which
payment well and truly to be made, Principal and Surety bind themselves, their heirs,
executors and administrators, successors and assigns, jointly and severally by these
presents.

The condition of this obligation is such that if the Principal designated as Contractor in
the Contract to construct Project Number _____ in the Municipality of _____
promptly and faithfully performs the Contract, then this
obligation shall be null and void; otherwise it shall remain in full force and effect.

The Surety hereby waives notice of any alteration or extension of time made by the State
of Maine.

Signed and sealed this _____ day of _____, 20_____.

WITNESSES:

Signature.....
Print Name Legibly

Signature

Print Name Legibly

SURETY ADDRESS:

.....
.....
.....

TELEPHONE.....

SIGNATURES:

CONTRACTOR:

.....
Print Name Legibly

SURETY:

.....
Print Name Legibly

NAME OF LOCAL AGENCY:

ADDRESS

.....
.....

.....

BOND # _____

CONTRACT PAYMENT BOND
(Surety Company Form)

KNOW ALL MEN BY THESE PRESENTS: That _____
_____ **and the State of** _____, as principal,
and _____
a corporation duly organized under the laws of the State of _____ and having a
usual place of business in _____,
as Surety, are held and firmly bound unto the Treasurer of the State of Maine for the use
and benefit of claimants as herein below defined, in the sum of
_____ **and 00/100 Dollars (\$** _____ **)**
for the payment whereof Principal and Surety bind themselves, their heirs, executors and
administrators, successors and assigns, jointly and severally by these presents.

The condition of this obligation is such that if the Principal designated as Contractor in
the Contract to construct Project Number _____ in the Municipality of
_____ promptly satisfies all claims and demands incurred for all
labor and material, used or required by him in connection with the work contemplated by
said Contract, and fully reimburses the obligee for all outlay and expense which the
obligee may incur in making good any default of said Principal, then this obligation shall
be null and void; otherwise it shall remain in full force and effect.

A claimant is defined as one having a direct contract with the Principal or with a
Subcontractor of the Principal for labor, material or both, used or reasonably required for
use in the performance of the contract.

Signed and sealed this _____ day of _____, 20 ..

WITNESS:

SIGNATURES:

CONTRACTOR:

Signature.....

Print Name Legibly

SURETY:

Signature.....

Print Name Legibly

SURETY ADDRESS:

NAME OF LOCAL AGENCY:

ADDRESS

TELEPHONE

CONTRACT AGREEMENT, OFFER & AWARD

AGREEMENT made on the date last signed below, by and between the State of Maine, acting through and by its Department of Transportation (Department), an agency of state government with its principal administrative offices located at Child Street, Augusta, Maine, with a mailing address at 16 State House Station, Augusta, Maine 04333-0016, and

_____ a corporation or other legal entity organized under the laws of the State of Maine, with its principal place of business located at _____

The Department and the Contractor, in consideration of the mutual promises set forth in this Agreement (the "Contract"), hereby agree as follows:

A. The Work.

The Contractor agrees to complete all Work as specified or indicated in the Contract including Extra Work in conformity with the Contract, PIN No. **8973.00**, for the **BRIDGE REPLACEMENT** in **SALEM TWP**, County of **FRANKLIN**, Maine. The Work includes construction, maintenance during construction, warranty as provided in the Contract, and other incidental work.

The Contractor shall be responsible for furnishing all supervision, labor, equipment, tools supplies, permanent materials and temporary materials required to perform the Work including construction quality control including inspection, testing and documentation, all required documentation at the conclusion of the project, warranting its work and performing all other work indicated in the Contract.

The Department shall have the right to alter the nature and extent of the Work as provided in the Contract; payment to be made as provided in the same.

B. Time.

The Contractor agrees to complete all Work, except warranty work, on or before **October 9, 2004**. Further, the Department may deduct from moneys otherwise due the Contractor, not as a penalty, but as Liquidated Damages in accordance with Sections 107.7 and 107.8 of the State of Maine Department of Transportation Standard Specifications, Revision of December 2002.

C. Price.

The quantities given in the Schedule of Items of the Bid Package will be used as the basis for determining the original Contract amount and for determining the amounts of the required Performance Surety Bond and Payment Surety Bond, and that the amount of this offer is _____

\$_____ Performance Bond and Payment Bond each being 100% of the amount of this Contract.

D. Contract.

This Contract, which may be amended, modified, or supplemented in writing only, consists of the Contract documents as defined in the Plans, Standard Specifications, Revision of December 2002, Standard Details Revision of December 2002 as updated through advertisement, Supplemental Specifications, Special Provisions, Contract Agreement; and Contract Bonds. It is agreed and understood that this Contract will be governed by the documents listed above.

E. Certifications.

By signing below, the Contractor hereby certifies that to the best of the Contractor's knowledge and belief:

1. All of the statements, representations, covenants, and/or certifications required or set forth in the Bid and the Bid Documents, including those in Appendix A to Division 100 of the Standard Specifications Revision of December 2002 (Federal Contract Provisions Supplement), and the Contract are still complete and accurate as of the date of this Agreement.
2. The Contractor knows of no legal, contractual, or financial impediment to entering into this Contract.
3. The person signing below is legally authorized by the Contractor to sign this Contract on behalf of the Contractor and to legally bind the Contractor to the terms of the Contract.

F. Offer.

The undersigned, having carefully examined the site of work, the Plans, Standard Specifications Revision of December 2002, Standard Details Revision of December 2002 as updated through advertisement, Supplemental Specifications, Special Provisions, Contract Agreement; and Contract Bonds contained herein for construction of:

PIN 8973.00 - SALEM TWP - BRIDGE REPLACEMENT

State of Maine, on which bids will be received until the time specified in the "Notice to Contractors" do(es) hereby bid and offer to enter into this contract to supply all the materials, tools, equipment and labor to construct the whole of the Work in strict accordance with the terms and conditions of this Contract at the unit prices in the attached "Schedule of Items".

The Offeror agrees to perform the work required at the price specified above and in accordance with the bids provided in the attached "Schedule of Items" in strict accordance with the terms of this solicitation, and to provide the appropriate insurance and bonds if this offer is accepted by the Government in writing.

As Offeror also agrees:

First: To do any extra work, not covered by the attached "Schedule of Items", which may be ordered by the Resident, and to accept as full compensation the amount determined upon a "Force Account" basis as provided in the Standard Specifications, Revision of December 2002, and as addressed in the contract documents.

Second: That the bid bond at 5% of the bid amount or the official bank check, cashier's check, certificate of deposit or U. S. Postal Money Order in the amount given in the "Notice to Contractors", payable to the Treasurer of the State of Maine and accompanying this bid, shall be forfeited, as liquidated damages, if in case this bid is accepted, and the undersigned shall fail to abide by the terms and conditions of the offer and fail to furnish satisfactory insurance and Contract bonds under the conditions stipulated in the Specifications within 15 days of notice of intent to award the contract.

Third: To begin the Work on the date specified in the Engineer's "Notice to Commence Work" as stated in Section 107.2 of the Standard Specifications Revision of December 2002 and complete the Work within the time limits given in the Special Provisions of this Contract.

Fourth: The Contractor will be bound to the Disadvantaged Business Enterprise (DBE) Requirements contained in the attached Notice (Additional Instructions to Bidders) and submit a completed Contractor's Disadvantaged Business Enterprise Utilization Plan by 4:30pm on the day of bid opening to the Contracts Engineer.

Fifth: That this offer shall remain open for 30 calendar days after the date of opening of bids.

Sixth: The Bidder hereby certifies, to the best of its knowledge and belief that: the Bidder has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of competitive bidding in connection with its bid, and its subsequent contract with the Department.

IN WITNESS WHEREOF, the Contractor, for itself, its successors and assigns, hereby execute two duplicate originals of this Agreement and thereby binds itself to all covenants, terms, and obligations contained in the Contract Documents.

CONTRACTOR

Date

(Signature of Legally Authorized Representative
of the Contractor)

Witness

(Name and Title Printed)

G. Award.

Your offer is hereby accepted.
documents referenced herein.

This award consummates the Contract, and the

MAINE DEPARTMENT OF TRANSPORTATION

Date

By: David A. Cole, Commissioner

Witness

CONTRACT AGREEMENT, OFFER & AWARD

AGREEMENT made on the date last signed below, by and between the State of Maine, acting through and by its Department of Transportation (Department), an agency of state government with its principal administrative offices located at Child Street, Augusta, Maine, with a mailing address at 16 State House Station, Augusta, Maine 04333-0016, and

_____ a corporation or other legal entity organized under the laws of the State of Maine, with its principal place of business located at _____

The Department and the Contractor, in consideration of the mutual promises set forth in this Agreement (the "Contract"), hereby agree as follows:

A. The Work.

The Contractor agrees to complete all Work as specified or indicated in the Contract including Extra Work in conformity with the Contract, PIN No. **8973.00**, for the **BRIDGE REPLACEMENT** in **SALEM TWP**, County of **FRANKLIN**, Maine. The Work includes construction, maintenance during construction, warranty as provided in the Contract, and other incidental work.

The Contractor shall be responsible for furnishing all supervision, labor, equipment, tools supplies, permanent materials and temporary materials required to perform the Work including construction quality control including inspection, testing and documentation, all required documentation at the conclusion of the project, warranting its work and performing all other work indicated in the Contract.

The Department shall have the right to alter the nature and extent of the Work as provided in the Contract; payment to be made as provided in the same.

B. Time.

The Contractor agrees to complete all Work, except warranty work, on or before **October 9, 2004**. Further, the Department may deduct from moneys otherwise due the Contractor, not as a penalty, but as Liquidated Damages in accordance with Sections 107.7 and 107.8 of the State of Maine Department of Transportation Standard Specifications, Revision of December 2002.

C. Price.

The quantities given in the Schedule of Items of the Bid Package will be used as the basis for determining the original Contract amount and for determining the amounts of the required Performance Surety Bond and Payment Surety Bond, and that the amount of this offer is _____

\$_____ Performance Bond and Payment Bond each being 100% of the amount of this Contract.

D. Contract.

This Contract, which may be amended, modified, or supplemented in writing only, consists of the Contract documents as defined in the Plans, Standard Specifications, Revision of December 2002, Standard Details Revision of December 2002 as updated through advertisement, Supplemental Specifications, Special Provisions, Contract Agreement; and Contract Bonds. It is agreed and understood that this Contract will be governed by the documents listed above.

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By signing below, the Contractor hereby certifies that to the best of the Contractor's knowledge and belief:

1. All of the statements, representations, covenants, and/or certifications required or set forth in the Bid and the Bid Documents, including those in Appendix A to Division 100 of the Standard Specifications Revision of December 2002 (Federal Contract Provisions Supplement), and the Contract are still complete and accurate as of the date of this Agreement.
2. The Contractor knows of no legal, contractual, or financial impediment to entering into this Contract.
3. The person signing below is legally authorized by the Contractor to sign this Contract on behalf of the Contractor and to legally bind the Contractor to the terms of the Contract.

F. Offer.

The undersigned, having carefully examined the site of work, the Plans, Standard Specifications Revision of December 2002, Standard Details Revision of December 2002 as updated through advertisement, Supplemental Specifications, Special Provisions, Contract Agreement; and Contract Bonds contained herein for construction of:

PIN 8973.00 - SALEM TWP - BRIDGE REPLACEMENT

State of Maine, on which bids will be received until the time specified in the "Notice to Contractors" do(es) hereby bid and offer to enter into this contract to supply all the materials, tools, equipment and labor to construct the whole of the Work in strict accordance with the terms and conditions of this Contract at the unit prices in the attached "Schedule of Items".

The Offeror agrees to perform the work required at the price specified above and in accordance with the bids provided in the attached "Schedule of Items" in strict accordance with the terms of this solicitation, and to provide the appropriate insurance and bonds if this offer is accepted by the Government in writing.

As Offeror also agrees:

First: To do any extra work, not covered by the attached "Schedule of Items", which may be ordered by the Resident, and to accept as full compensation the amount determined upon a "Force Account" basis as provided in the Standard Specifications, Revision of December 2002, and as addressed in the contract documents.

Second: That the bid bond at 5% of the bid amount or the official bank check, cashier's check, certificate of deposit or U. S. Postal Money Order in the amount given in the "Notice to Contractors", payable to the Treasurer of the State of Maine and accompanying this bid, shall be forfeited, as liquidated damages, if in case this bid is accepted, and the undersigned shall fail to abide by the terms and conditions of the offer and fail to furnish satisfactory insurance and Contract bonds under the conditions stipulated in the Specifications within 15 days of notice of intent to award the contract.

Third: To begin the Work on the date specified in the Engineer's "Notice to Commence Work" as stated in Section 107.2 of the Standard Specifications Revision of December 2002 and complete the Work within the time limits given in the Special Provisions of this Contract.

Fourth: The Contractor will be bound to the Disadvantaged Business Enterprise (DBE) Requirements contained in the attached Notice (Additional Instructions to Bidders) and submit a completed Contractor's Disadvantaged Business Enterprise Utilization Plan by 4:30pm on the day of bid opening to the Contracts Engineer.

Fifth: That this offer shall remain open for 30 calendar days after the date of opening of bids.

Sixth: The Bidder hereby certifies, to the best of its knowledge and belief that: the Bidder has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of competitive bidding in connection with its bid, and its subsequent contract with the Department.

IN WITNESS WHEREOF, the Contractor, for itself, its successors and assigns, hereby execute two duplicate originals of this Agreement and thereby binds itself to all covenants, terms, and obligations contained in the Contract Documents.

CONTRACTOR

Date

(Signature of Legally Authorized Representative
of the Contractor)

Witness

(Name and Title Printed)

G. Award.

Your offer is hereby accepted.
documents referenced herein.

This award consummates the Contract, and the

MAINE DEPARTMENT OF TRANSPORTATION

Date

By: David A. Cole, Commissioner

Witness

GENERAL DECISION ME030009 06/13/03 ME9
General Decision Number ME030009

Superseded General Decision No. ME020009

State: Maine

Construction Type:
HIGHWAY

County(ies):

AROOSTOOK	KNOX	SAGADAHOC
FRANKLIN	LINCOLN	SOMERSET
HANCOCK	OXFORD	WALDO
KENNEBEC	PISCATAQUIS	YORK

HIGHWAY CONSTRUCTION PROJECTS excluding major bridging (for example: bascule, suspension and spandrel arch bridges; those bridging waters presently navigating or to be navigatable; and those involving marine construction in any degree); tunnels, building structures in rest area projects and railroad construction.

Modification Number	Publication Date
0	06/13/2003

COUNTY(ies):

AROOSTOOK	KNOX	SAGADAHOC
FRANKLIN	LINCOLN	SOMERSET
HANCOCK	OXFORD	WALDO
KENNEBEC	PISCATAQUIS	YORK

ENGI0004V 04/01/2003

	Rates	Fringes
POWER EQUIPMENT OPERATORS:		
Pavers	16.51	6.00
Rollers	16.51	6.00

SUME4024A 10/24/2000

	Rates	Fringes
CARPENTERS	11.60	1.51
IRONWORKERS		
Structural	12.03	1.58
LABORERS		
Drillers	10.00	2.50
Flaggers	6.00	
Guardrail Installers	7.92	
Landscape	7.87	.16
Line Stripper	8.69	.23
Pipelayers	9.21	2.31
Rakers	9.00	1.51
Sign Erectors	10.00	
Unskilled	8.66	1.38
Wheelman	8.50	.43
POWER EQUIPMENT OPERATORS		
Backhoes	11.87	2.05

Bulldozers	12.33	2.88
Cranes	14.06	1.75
Excavators	12.38	2.48
Graders	13.06	3.73
Loaders	11.41	2.87
Mechanics	13.18	2.57

TRUCK DRIVERS

Dump	9.35	3.10
Tri axle	8.70	1.18
Two axle	8.56	2.19

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).

In the listing above, the "SU" designation means that rates listed under that identifier do not reflect collectively bargained wage and fringe benefit rates. Other designations indicate unions whose rates have been determined to be prevailing.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U. S. Department of Labor
200 Constitution Avenue, N. W.
Washington, D. C. 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request

review and reconsideration from the Wage and Hour Administrator
(See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N. W.
Washington, D. C. 20210

The request should be accompanied by a full statement of the
interested party's position and by any information (wage payment
data, project description, area practice material, etc.) that the
requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an
interested party may appeal directly to the Administrative Review
Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U. S. Department of Labor
200 Constitution Avenue, N. W.
Washington, D. C. 20210

4.) All decisions by the Administrative Review Board are final.
END OF GENERAL DECISION

SPECIAL PROVISION
CONSTRUCTION AREA

A Construction Area located in **SALEM TWP** has been established by the Maine Department of Transportation in accordance with provisions of Title 29, Section 1703, Maine Revised Statutes Annotated.

- (a) The section of highway under construction beginning at Sta. 2+030.000 to Sta. 2+300.000 of the construction centerline, plus approaches.
- (b) (Route 142) from Sta. 2+030.000 to Sta. 2+300.000 of the construction centerline, plus approaches.

The State Department of Transportation or the State's Engineer may issue permits for stated periods of time for moving construction equipment without loads, low-bed trailers with overloads, over-height, over-width or over-length equipment or materials over all State maintained sections described in the "Construction Area" above and in addition may issue permits for stated periods of time for moving overweight vehicles and loads over the section described in (a) above. The right to revoke such a permit at any time is reserved by the State Department of Transportation and the issuance of such permits shall be subject to any Special Provisions or Supplemental Specifications written for this project.

A Temporary Permit for each move may be issued by the State Department of Transportation or the State's Engineer for moving Contractor's construction equipment used on the project which exceeds the legal limits (shovels, bulldozers, etc.) to sources of construction material over highways maintained by the State reasonably within the area of the project.

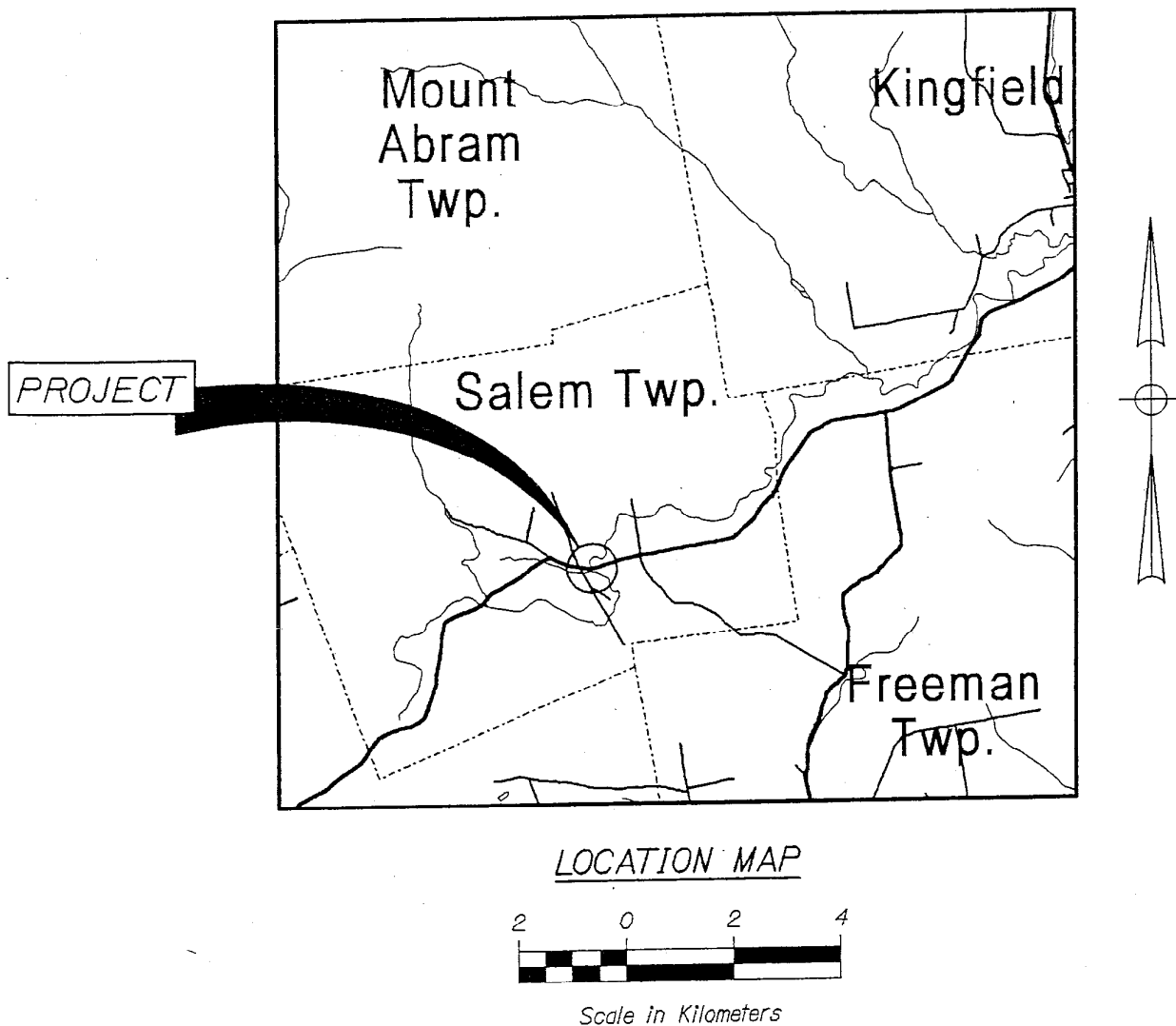
The Municipal Officers of **SALEM TWP** agreed that a permit will be issued to the Contractor for the purpose of hauling loads in excess of the limits as specified in Title 29, Maine Revised Statutes Annotated, on the town ways as described in the "Construction Area" and that single move permits will be issued for moving Contractor's construction equipment used on the project which exceeds the legal limits (shovels, bulldozers, etc.) to sources of construction material over town ways reasonably within the area of the project.

In the event it is necessary to transport gravel, borrow, or other construction material in legally registered vehicles carrying legal loads over town ways, a Contractor's Bond of not more than Nine Thousand (\$9,000.00) per kilometer of traveled length may be required by the town, the exact amount of said bond to be determined prior to use of any town way.

The maximum speed limits for trucks on any town way will be forty (40) km per hour [25 mph], unless a higher legal limit is specifically agreed upon in writing by the Municipal Officers concerned.

BRIDGE REPLACEMENT

BRIDGE NO. 2565



SPECIAL PROVISION
CONSTRUCTION AREA

Title 29A, M.R.S.A., Subsection 2383. Overlimit movement permits

1. Overlimit movement permits issued by State. The Secretary of State, acting under guidelines and advice of the Commissioner of Transportation, may grant permits to move non-divisible objects having a length, width, height or weight greater than specified in this Title over a way or bridge maintained by the Department of Transportation.
2. Permit Fee. The Secretary of State, with the advice of the Commissioner of Transportation, may set the fee for these permits, at not less than \$3, nor more than \$15, based on weight, height, length and width.
3. County and municipal permits. A permit may be granted, for a reasonable fee, by county commissioners or municipal officers for travel over a way or bridge maintained by that county or municipality.
4. Permits for weight. A vehicle granted a permit for excess weight must first be registered for the maximum gross vehicle weight allowed for that vehicle.
5. Special mobile equipment. The Secretary of State may grant a permit, for no more than one year, to move pneumatic-tire equipment under its own power, including Class A and Class B special mobile equipment, over ways and bridges maintained by the Department of Transportation. The fee for that permit is \$15 for each 30-day period.
6. Scope of permit. A permit is limited to the particular vehicle or object to be moved and particular ways and bridges.
7. Construction permits. A permit for a stated period of time may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The Permit:
 - A. Must be procured from the municipal officers for a construction area within that municipality;
 - B. May require the Contractor to be responsible for damage to ways used in the construction areas and may provide for:
 - (1) Withholding by the agency of the work of final payment under contract; or
 - (2) The furnishing of a bond by the Contractor to guarantee suitable repair or payment of damages.
 - C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and
 - D. For construction areas, carries no fee and does not come within the scope of this section.
8. Gross vehicle weight permits. The following may grant permits to operate a vehicle having a gross vehicle weight exceeding the prescribed limit:

- A. The Secretary of State, with the consent of the Department of Transportation, for state and state aid highways and bridges within city or compact village limits;
 - B. Municipal officers, for all other ways and bridges within that city and compact village limits; and
 - C. The county commissioners, for county roads and bridges located in unorganized territory.
9. Pilot vehicles and state police escorts. Pilot vehicles required by a permit must be equipped with warning lights and signs as required by the Secretary of State with the advice of the Department of Transportation.

Warning lights may only be operated and lettering on the signs may only be visible on a pilot vehicle while it is escorting on a public way a vehicle with a permit.

The Secretary of State shall require a State Police escort for a single vehicle or a combination of vehicles of 125 feet or more in length or 16 feet or more in width. The Secretary of State, with the advice of the Commissioner of Transportation, may require vehicles of lesser dimensions to be escorted by the State Police.

The Bureau of State Police shall establish a fee for State Police escorts.

All fees collected must be used to defray the cost of services provided.

With the advice of the Commissioner of Transportation and the Chief of the State Police, the Secretary of State shall establish rules for the operation for the operation of pilot vehicles.

10. Taxes paid. A permit for a mobile home may not be granted unless the applicant provides reasonable assurance that all property taxes, sewage disposal charges and drain and sewer assessments applicable to the mobile home, including those for the current tax year, have been paid or that the mobile home is exempt from those taxes.

1993, c. 683, § S-2, eff. January 1, 1995.

Historical and Statutory Notes

Derivation:

R.S. 1954, c. 22 § 98
Laws 1955, c. 389
Laws 1967, c. 3.
Laws 1971, c. 593, § 22.
Laws 1973, c. 213.
Laws 1975, c. 130, §
Laws 1975, c. 319, § 2

Laws 1977, c. 73, § 5.
Laws 1981, c. 413.
Laws 1985, c. 225, § 1
Laws 1987, c. 52.
Laws 1987, 781, § 3.
Laws 1989, c. 866, § B-13.
Laws 1991, c. 388, § 8.
Laws 1993, c. 683, § A-1.
Former 29 M.R.S.A. § 2382.

Cross Reference

Collection by Secretary of State, See 29-A
M.R.S.A. § 154.

SPECIAL PROVISION
(Consolidated Special Provisions)

SPECIAL PROVISION SECTION 101
CONTRACT INTERPRETATION

101.2 Definitions - Closeout Documentation

Replace the sentence “A letter stating the amount..... DBE goals.” with “DBE Goal Attainment Verification Form”

SPECIAL PROVISION SECTION 102
DELIVERY OF BIDS
(Location and Time)

102.7.1 Location and Time Add the following sentence “As a minimum, the Bidder will submit a Bid Package consisting of the Notice to Contractors, the completed Acknowledgement of Bid Amendments & Submission of Bid Bond Validation Number form, the completed Schedule of Items, 2 copies of the completed Agreement, Offer, & Award form, a Bid Bond or Bid Guarantee, and any other Certifications or Bid Requirements listed in the Bid Book.”

SPECIAL PROVISION SECTION 103
AWARD AND CONTRACTING

103.3.1 Notice and Information Gathering

Change the first paragraph to read as follows: “After Bid Opening and as a condition for Award of a Contract, the Department may require an Apparent Successful Bidder to demonstrate to the Department’s satisfaction that the Bidder is responsible and qualified to perform the Work.”

SPECIAL PROVISION SECTION 105
GENERAL SCOPE OF WORK

105.6.2 Contractor Provided Services

Change the first paragraph by the addition of the following as the second sentence: “The Contractor is also responsible for providing construction centerline, or close reference points, for all Utility Facilities relocations and adjustments as necessary to complete the Work.”

SPECIAL PROVISION SECTION 106 QUALITY

106.6 Acceptance Add the following to paragraph 1 of A: “This includes Sections 401 - Hot Mix Asphalt, 402 - Pavement Smoothness, and 502 - Structural Concrete - Method A - Air Content.”

Add the following to the beginning of paragraph 3 of A: “For pay factors based on Quality Level Analysis, and”

SPECIAL PROVISION SECTION 107 TIME

107.3.1 General Add the following: “If a Holiday occurs on a Sunday, the following Monday shall be considered a Holiday. Sunday or Holiday work must be approved by the Department, except that the Contractor may work on Martin Luther King Day, President’s Day, Patriot’s Day, the Friday after Thanksgiving, and Columbus Day without the Department’s approval.”

SPECIAL PROVISION SECTION 108 PAYMENT

108.4 Payment for Materials Obtained and Stored First paragraph, second sentence, delete the words “...Delivered on or near the Work site at acceptable storage places.”

SPECIAL PROVISION SECTION 109 CHANGES

109.1.1 Changes Permitted Add the following to the end of the paragraph: “There will be no adjustment to Contract Time due to an increase or decrease in quantities, compared to those estimated, except as addressed through Contract Modification(s).”

109.1.2 Substantial Changes to Major Items Add the following to the end of the paragraph: “Contract Time adjustments may be made for substantial changes to Major Items when the change affects the Critical Path, as determined by the Department”

109.4.4 Investigation / Adjustment In the third sentence, delete the words “subsections (A) - (E)”

109.7.2 Basis of Payment Replace with the following: “Equitable Adjustments will be established by mutual Agreement for compensable items listed in Section 109.7.3-Compensable Items, based upon Unit or Lump Sum Prices. If Agreement cannot be reached, the Contractor shall accept payment on a Force Account basis as provided in Section 109.7.5 - Force Account Work, as full and complete compensation for all Work relating to the Equitable Adjustment.”

109.7.3 Compensable Items Replace with the following: “The Contractor is entitled to compensation for the following items, with respect to agreed upon Unit or Lump Sum Prices:

1. Labor expenses for non-salaried Workers and salaried foremen.
2. Costs for Materials.
3. A markup on the totals of Items 1 and 2 of this subsection 109.7.3 for home office overhead and profit of the Contractor, its Subcontractors and suppliers, and any lower tier Subcontractors or suppliers, with no mark-ups on mark-ups.
4. Cost for Equipment, based on Blue Book Rates or leased rates, as set forth in Section 109.7.5(C), or the Contractor’s Actual Costs.
5. Costs for extended job-site overhead.
6. Time.
7. Subcontractor quoted Work, as set forth below in Section 109.7.5 (F).”

109.7.5 Force Account Work

C. Equipment

Paragraph 2, delete sentence 1 which starts; “Equipment leased...”

Paragraph 6, change sentence 2 from “The Contractor may furnish...” to read “If requested by the Department, the Contractor will produce cost data to assist the Department in the establishment of such rental rate, including all records that are relevant to the Actual Costs including rental Receipts, acquisition costs, financing documents, lease Agreements, and maintenance and operational cost records.”

Add the following paragraph; “Equipment leased by the Contractor for Force Account Work and actually used on the Project will be paid for at the actual invoice amount plus 10% markup for administrative costs.”

Add the following section;

“F. Subcontractor Quoted Work When accomplishing Force Account Work that utilizes Subcontractor quoted Work, the Contractor will be allowed a maximum markup of 5% for profit and overhead.”

SPECIAL PROVISION SECTION 401 HOT MIX ASPHALT PAVEMENT

401.18 Quality Control Method A & B Make the following change to paragraph a. QCP Administrator; in the final sentence, change “...certified as a Plant Technician or Paving Inspector...” to “...certified as a Quality Assurance Technologist...”

401.201 Method A Under a. Lot Size, add the following; “Each lot will be divided into a minimum of four sublots for mix properties and five sublots for percent TMD.”

SPECIAL PROVISION SECTION 402 PAVEMENT SMOOTHNESS

Add the following: “Projects to have their pavement smoothness analyzed in accordance with this Specification will be so noted in Special Provision 403 - Bituminous Box.”

“402.02 Lot Size Lot size for smoothness will be 1000 lane-meters [3000 lane-feet]. A subplot will consist of 20 lane-meters [50 lane-feet]. Partial lots will be included in the previous lot if less than one-half the size of a normal lot. If greater than one-half the normal lot size, it will be tested as a separate lot.”

SPECIAL PROVISION SECTION 502 STRUCTURAL CONCRETE

502.0502 Quality Assurance Method A - Rejection by Resident Change the first sentence to read: “For an individual subplot with test results failing to meet the criteria in Table #1, or if the calculated pay factor for Air Content is less than 0.80.....”

502.0503 Quality Assurance Method B - Rejection by Resident Change the first sentence to read: “For material represented by a verification test with test results failing to meet the criteria in Table #1, the Department will.....”

502.0505 Resolution of Disputed Acceptance Test Results Combine the second and third sentence to read: “Circumstances may arise, however, where the Department may”

SPECIAL PROVISION SECTION 504
REINFORCING STEEL

504.18 Plates for Fabricated Members Change the second paragraph, first sentence from: "...ASTM A 898/A 898 M..." to "...ASTM A 898/A 898 M or ASTM A 435/A 435 M as applicable and..."

SPECIAL PROVISION SECTION 535
PRECAST, PRESTRESSED CONCRETE SUPERSTRUCTURE

535.02 Materials Change "Steel Strand for Concrete Reinforcement" to "Steel Strand." Add the following to the beginning of the third paragraph; "Concrete shall be Class P conforming to the requirements in this section. 28 day compressive strength shall be as stated on the plans. Coarse aggregate...."

535.26 Lateral Post-Tensioning Replace the first paragraph; "A final tension..." with "Overstressing strands for setting losses cannot be accomplished for chuck to chuck lengths of 7.6 m [25 ft] and less. In such instances, refer to the Plans for all materials and methods. Otherwise, post-tensioning shall be in accordance with PCI standards and shall provide the anchorage force noted in the Plans. The applied jacking force shall be no less than 100% of the design jacking force."

SPECIAL PROVISION SECTION 604
MANHOLES, INLETS, AND CATCH BASINS

604.02 Materials Add the following:

"Tops and Traps	712.07
Corrugated Metal Units	712.08
Catch Basin and Manhole Steps	712.09"

SPECIAL PROVISION SECTION 615
LOAM

615.02 Materials Make the following change:

<u>Organic Content</u>	<u>Percent by Volume</u>
Humus	"5% - 10%", as determined by Ignition Test

SPECIAL PROVISION SECTION 618 SEEDING

618.01 Description Change the first sentence to read as follows: “This work shall consist of furnishing and applying seed” Also remove “,and cellulose fiber mulch” from 618.01(a).

618.03 Rates of Application In 618.03(a), remove the last sentence and replace with the following: “These rates shall apply to Seeding Method 2, 3, and Crown Vetch.”

In 618.03(c) “1.8 kg [4 lb]/unit.” to “1.95 kg [4 lb]/unit.”

618.09 Construction Method In 618.09(a) 1, sentence two, replace “100 mm [4 in]” with “25 mm [1 in] (Method 1 areas) and 50 mm [2 in] (Method 2 areas)”

618.15 Temporary Seeding Change the Pay Unit from Unit to Kg [lb].

SPECIAL PROVISION SECTION 620 GEOTEXTILES

620.03 Placement Section (c)

Title: Replace “Non-woven” in title with “Erosion Control”.

First Paragraph: Replace first word “Non-woven” with “Woven monofilament”.

Second Paragraph: Replace second word “Non-woven” with “Erosion Control”.

620.07 Shipment, Storage, Protection and Repair of Fabric Section (a)

Replace the third sentence with the following: “Damaged geotextiles, as identified by the Resident, shall be repaired immediately.”

620.09 Basis of Payment

Pay Item 620.58: Replace “Non-woven” with “Erosion Control”

Pay Item 620.59: Replace “Non-woven” with “Erosion Control”

SPECIAL PROVISION SECTION 626 HIGHWAY SIGNING

626.034 Concrete Foundations Add to the following to the end of the second paragraph: “Pre-cast and cast-in-place foundations shall be warranted against leaning and corrosion for two years after the project is completed. If the lean is greater than 2 degrees from normal or the foundation is spalling within the first two years, the Contractor shall replace the foundation at no extra cost.”

SPECIAL PROVISION SECTION 637
DUST CONTROL

637.06 Basis of Payment Add the following after the second sentence of the third paragraph: “Failure by the Contractor to follow Standard Specification or Special Provision - Section 637 and/or the Contractor’s own Soil Erosion and Pollution Control Plan concerning Dust Control and/or the Contractor’s own Traffic Control Plan concerning Dust Control and/or visible evidence of excessive dust problems, as determined by the Resident, will result in a reduction in payment, computed by reducing the Lump Sum Total by 5% per occurrence per day. The Department’s Resident or any other representative of the Department reserves the right to suspend the work at any time and request a meeting to discuss violations and remedies. The Department shall not be held responsible for any delay in the work due to any suspension under this item. Additional penalties may also be assessed in accordance with Special Provision 652 - Work Zone Traffic Control and Standard Specification 656 - Temporary Soil Erosion and Water Pollution Control.”

SPECIAL PROVISION SECTION 652
MAINTENANCE OF TRAFFIC

652.8.2 Other Items Replace the last paragraph with the following: “There will be no payment made under any 652 pay items after the expiration of the adjusted total contract time.”

SPECIAL PROVISION SECTION 656
TEMPORARY SOIL EROSION AND WATER POLLUTION CONTROL

656.5.1 If Pay Item 656.75 Provided Replace the second paragraph with the following: “Failure by the Contractor to follow Standard Specification or Special Provision - Section 656 and/or the Contractor’s own Soil Erosion and Pollution Control Plan will result in a reduction in payment, computed by reducing the Lump Sum Total by 5% per occurrence per day. The Department’s Resident or any other representative of the Department reserves the right to suspend the work at any time and request a meeting to discuss violations and remedies. The Department shall not be held responsible for any delay in the work due to any suspension under this item.”

SPECIAL PROVISION SECTION 703
AGGREGATES

703.22 Underdrain Backfill Material Change the first paragraph from “...for Underdrain Type B...” to “...for Underdrain Type B and C...”

SPECIAL PROVISION SECTION 709
REINFORCING STEEL AND WELDED STEEL WIRE FABRIC

709.03 Steel Strand Change the second paragraph from "...shall be 12mm [$\frac{1}{2}$ inch] AASHTO M203M/M203 (ASTM A416/A416M)..." to "...shall be 15.24 mm [0.600 inch] diameter AASHTO M203 (ASTM A416)..."

SPECIAL PROVISION SECTION 712
MISCELLANEOUS HIGHWAY MATERIALS

Add the following:

"712.07 Tops, and Traps These metal units shall conform to the plan dimensions and to the following specification requirements for the designated materials.

Gray iron castings shall conform to the requirements of AASHTO M105, Class 30, unless otherwise designated.

Carbon steel castings shall conform to the requirements of AASHTO M103/M103M. Grade shall be 450-240 [65-35] unless otherwise designated.

Structural steel shall conform to the requirements of AASHTO M183/M183M or ASTM A283/A283M, Grade B or better. Galvanizing, where specified for these units, shall conform to the requirements of AASHTO M111.

712.08 Corrugated Metal Units The units shall conform to plan dimensions and the metal to AASHTO M36/M36M. Bituminous coating, when specified, shall conform to AASHTO M190 Type A.

712.09 Catch Basin and Manhole Steps Steps for catch basins and for manholes shall conform to ASTM C478M [ASTM C478], Section 13 for either of the following material:

- (a) Aluminum steps-ASTM B221M, [ASTM B211] Alloy 6061-T6 or 6005-T5.
- (b) Reinforced plastic steps Steel reinforcing bar with injection molded plastic coating copolymer polypropylene. Polypropylene shall conform to ASTM D 4101.

712.23 Flashing Lights Flashing Lights shall be power operated or battery operated as specified.

- (a) Power operated flashing lights shall consist of housing, adapters, lamps, sockets, reflectors, lens, hoods and other necessary equipment designed to give clearly visible

signal indications within an angle of at least 45 degrees and from 3 to 90 m [10 to 300 ft] under all light and atmospheric conditions.

Two circuit flasher controllers with a two-circuit filter capable of providing alternate flashing operations at the rate of not less than 50 nor more than 60 flashes per minute shall be provided.

The lamps shall be 650 lumens, 120 volt traffic signal lamps with sockets constructed to properly focus and hold the lamp firmly in position.

The housing shall have a rotatable sun visor not less than 175 mm [7 in] in length designed to shield the lens.

Reflectors shall be of such design that light from a properly focused lamp will reflect the light rays parallel. Reflectors shall have a maximum diameter at the point of contact with the lens of approximately 200 mm [8 in].

The lens shall consist of a round one-piece convex amber material which, when mounted, shall have a visible diameter of approximately 200 mm [8 in]. They shall distribute light and not diffuse it. The distribution of the light shall be asymmetrical in a downward direction. The light distribution of the lens shall not be uniform, but shall consist of a small high intensity portion with narrow distribution for long distance throw and a larger low intensity portion with wide distribution for short distance throw. Lenses shall be marked to indicate the top and bottom of the lens.

(b) Battery operated flashing lights shall be self-illuminated by an electric lamp behind the lens. These lights shall also be externally illuminated by reflex-reflective elements built into the lens to enable it to be seen by reflex-reflection of the light from the headlights of oncoming traffic. The batteries must be entirely enclosed in a case. A locking device must secure the case. The light shall have a flash rate of not less than 50 nor more than 60 flashes per minute from minus 30 °C [minus 20 °F] to plus 65 °C [plus 150 °F]. The light shall have an on time of not less than 10 percent of the flash cycle. The light beam projected upon a surface perpendicular to the axis of the light beam shall produce a lighted rectangular projection whose minimum horizontal dimension shall be 5 degrees each side of the horizontal axis. The effective intensity shall not have an initial value greater than 15.0 candelas or drop below 4.0 candelas during the first 336 hours of continuous flashing. The illuminated lens shall appear to be uniformly bright over its entire illuminated surface when viewed from any point within an angle of 9 degrees each side of the vertical axis and 5 degrees each side of the horizontal axis. The lens shall not be less than 175 mm [7 in] in diameter including a reflex-reflector ring of 13 mm [½ in] minimum width around the periphery. The lens shall be yellow in color and have a minimum relative luminous transmittance of 0.440 with a luminance of 2854° Kelvin. The lens shall be one-piece construction. The lens material shall be plastic and meet the luminous transmission requirements of this specification. The case containing the batteries and

circuitry shall be constructed of a material capable of withstanding abuse equal to or greater than 1.21 mm thick steel [No. 18 U.S. Standard Gage Steel]. The housing and the lens frame, if of metal shall be properly cleaned, degreased and pretreated to promote adhesion. It shall be given one or more coats of enamel which, when dry shall completely obscure the metal. The enamel coating shall be of such quality that when the coated case is struck a light blow with a sharp tool, the paint will not chip or crack and if scratched with a knife will not powder. The case shall be so constructed and closed as to exclude moisture that would affect the proper operation of light. The case shall have a weep hole to allow the escape of moisture from condensation. Photoelectric controls, if provided, shall keep the light operating whenever the ambient light falls below 215 lx [20 foot candles]. Each light shall be plainly marked as to the manufacturer's name and model number.

If required by the Resident, certification as to conformance to these specifications shall be furnished based on results of tests made by an independent testing laboratory. All lights are subject to random inspection and testing. All necessary random samples shall be provided to the Resident upon request without cost to the Department. All such samples shall be returned to the Contractor upon completion of the tests.

712.32 Copper Tubing Copper tubing and fittings shall conform to the requirements of ASTM B88M Type A [ASTM B88, Type K] or better.

712.33 Non-metallic Pipe, Flexible Non-metallic pipe and pipe fittings shall be acceptable flexible pipe manufactured from virgin polyethylene polymer suitable for transmitting liquids intended for human or animal consumption.

712.34 Non-metallic Pipe, Rigid Non-metallic pipe shall be Schedule 40 polyvinylchloride (PVC) that meets the requirement of ASTM D1785. Fittings shall be of the same material.

712.341 Metallic Pipe Metallic pipe shall be ANSI, Standard B36.10, Schedule 40 steel pipe conforming to the requirements of ASTM A53 Types E or S, Grade B. End plates shall be steel conforming to ASTM A36/A36M.

Both the sleeve and end plates shall be hot dip galvanized. Pipe sleeve splices shall be welded splices with full penetration weld before galvanizing.

712.35 Epoxy Resin Epoxy resin for grouting or sealing shall consist of a mineral filled thixotropic, flexible epoxy resin having a pot life of approximately one hour at 10°C [50°F]. The grout shall be an approved product suitable for cementing steel dowels into the preformed holes of curb inlets and adjacent curbing. The sealant shall be an approved product, light gray in color and suitable for coating the surface.

712.36 Bituminous Curb The asphalt cement for bituminous curb shall be of the grade required for the wearing course, or shall be Viscosity Grade AC-20 meeting the current requirements of Subsection 702.01 Asphalt Cement. The aggregate shall conform to the requirements of Subsection 703.07. The coarse aggregate portion retained on the 2.36 mm [No. 8] sieve may be either crushed rock or crushed gravel.

The mineral constituents of the bituminous mixture shall be sized and graded and combined in a composite blend that will produce a stable durable curbing with an acceptable texture. Bituminous material for curb shall meet the requirements of Section 403 - Hot Bituminous Pavement.

712.37 Precast Concrete Slab Portland cement concrete for precast slabs shall meet the requirements of Section 502 - Structural Concrete, Class A.

The slabs shall be precast to the dimension shown on the plans and cross section and in accordance with the Standard Detail plans for Concrete Sidewalk Slab. The surface shall be finished with a float finish in accordance with Subsection 502.14(c). Lift devices of sufficient strength to hold the slab while suspended from cables shall be cast into the top or back of the slab.

712.38 Stone Slab Stone slabs shall be of granite from an acceptable source, hard, durable, predominantly gray in color, free from seams which impair the structural integrity and be of smooth splitting character. Natural color variations characteristic of the deposit will be permitted. Exposed surfaces shall be free from drill holes or indications of drill holes. The granite slabs in any one section of backslope must be all the same finish.

The granite slabs shall be scabble dressed or sawed to an approximately true plane having no projections or depressions over 13 mm [$\frac{1}{2}$ in] under a 600 mm [2 ft] straightedge or over 25 mm [1 in] under a 1200 mm [4 ft] straightedge. The arris at the intersection of the top surface and exposed front face shall be pitched so that the arris line is uniform throughout the length of the installed slabs. The sides shall be square to the exposed face unless the slabs are to be set on a radius or other special condition which requires that the joints be cut to fit, but in any case shall be so finished that when the stones are placed side by side no space more than 20 mm [$\frac{3}{4}$ in] shall show in the joint for the full exposed height.

Liftpin holes in all sides will be allowed except on the exposed face.

SPECIAL PROVISION SECTION 717 ROADSIDE IMPROVEMENT MATERIAL

717.05 Mulch Binder. Change the third sentence to read as follows:

“Paper fiber mulch may be used as a binder at the rate of 2.3 kg/unit [5 lb/unit].”

Town: **Salem**
Project: **BR-8973(00)X, PIN: 8973.00**
Date: **September 15, 2003**

SPECIAL PROVISIONS

SECTION 104

Utilities

MEETING

A Preconstruction Utility Conference, as defined in Subsection 104.4.6 of the Standard Specifications is required.

GENERAL INFORMATION

These Special Provisions outline the arrangements that have been made by the Department for utility and/or railroad work to be undertaken in conjunction with this project. The following list identifies all known utilities or railroads having facilities presently located within the limits of this project or intending to install facilities during project construction.

Overview:

Utility/Railroad	Aerial	Underground	Railroad
Central Maine Power Company	X	X	
Somerset Telephone Company	X	X	

Temporary utility adjustments are not contemplated unless herein provided for.

The approximate locations of major items of existing and proposed (permanent and temporary) utility plant are shown on the highway construction plans.

All utility crossings over highways will provide not less than 20 feet vertical clearance over existing ground in cut or over finished grade in fill, during construction of this project.

Manholes, valve boxes, service connections, and similar incidental utility plant are to be adjusted in cooperation with work being done by the Contractor.

Unless otherwise provided, utilities will not be required to make underground installations in frozen ground.

Any times and dates mentioned are estimates only and are dependent upon favorable weather, working conditions, and freedom from emergencies. The Contractors shall have no claim against the Department if they are exceeded.

Utility working days are Monday through Friday, conditions permitting. Times are estimated on the basis of a single crew for each utility.

Town: Salem
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Date: September 15, 2003
Page: 2

In all cases, the utilities shall be advised well in advance (generally three weeks) before work, dependent upon other work to be done by the Contractor, in any particular area, is to be commenced by them.

All clearing and tree removal which is a part of this contract in areas where utilities are involved must be completed by the Contractor before the utilities can relocate their facilities.

AERIAL

Central Maine Power Company (CMP) plans to set 6 new poles and install new wires on those poles. CMP estimates four (4) working days to set the poles and one (1) working day to run new wires.

Somerset Telephone Company estimates three (3) working days to install new conductors on the new poles. This work will start after CMP has completed its work.

Central Maine Power Company contact person is Russ White at (207) 621-7853.
Somerset Telephone Company contact person is Larry Cole at (207) 634-7300.

Temporary utility adjustments are **not** anticipated.

Unless otherwise specified, any underground utility facilities shown on the project plans represent approximate locations gathered from available information. The Department cannot certify the level of accuracy of this data. Underground facilities indicated on the topographic sheets (plan views) have been collected from historical records and/or on-site designations provided by the respective utility companies. Underground facilities indicated on the cross-sections have been carried over from the plan view data and may also include further approximations of the elevations (depths) based upon straight-line interpolation from the nearest manholes, gate valves, or test pits.

All adjustments are to be made by the respective utility/railroad unless otherwise specified herein.

All clearing and tree removal in areas where utilities are involved must be completed before the utilities are able to relocate their facilities.

MAINTAINING UTILITY LOCATION MARKINGS

The contractor will be responsible for maintaining the buried utility markings following the initial locating by the appropriate utility or their designated representative.

Town: Salem
Project: BR-8973(00)X, PIN: 8973.00
Date: September 15, 2003
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Utility Specific Issues:

Any tree removal or tree trimming required within ten feet of the electrical conductors must be done by a qualified contractor. A list of tree removal contractors qualified to remove trees or limbs within ten feet of the electrical conductors may be obtained from the power company.

BLASTING

In addition to any other notice which may be required, the Contractor shall notify an authorized representative of each utility having plant close to the site not later than 3:00 P.M. on the working day (Monday through Friday) before he intends to blast. Notice shall state the approximate time of the blast.

DIG SAFE

The Contractor shall be responsible for determining the presence of underground utility facilities prior to commencing any excavation work and shall notify utilities of proposed excavation in accordance with M.R.S.A. Title 23 §3360-A, Maine "Dig Safe" System.

SAFE PRACTICES AROUND UTILITY FACILITIES

The Contractor shall be responsible for complying with M.R.S.A. Title 35-A, Chapter 7-A - Sections 751 - 761 Overhead High-Voltage Line Safety Act. Prior to commencing any work that may come within ten (10) feet of any aerial electrical lien, the Contractor shall notify the aerial utilities as per Section 757 of the above act.

**THE CONTRACTOR SHALL PLAN AND CONDUCT HIS WORK
ACCORDINGLY.**

TWS:sc

SPECIAL PROVISION
SECTION 105
LEGAL RELATIONS WITH AND RESPONSIBILITY TO PUBLIC
(NPDES)

105.8.2 Permit Requirements This Section is revised by the addition of the following paragraph:

”The Contractor is advised that the Environmental Protection Agency has issued a final National Pollutant Discharge Elimination System (NPDES) General Permit for storm water discharges from construction sites disturbing more than 2 ha [5 acres]. This permit requires:

- Storm Water Pollution Prevention Plan
- Submission of a Notification of Intent (NOI) at least 48 hours before construction commences
- Submission of a Notification of Termination (NOT) when a site has been finally stabilized and all storm water discharges from construction activities are eliminated.

If the project’s land disturbances is 2 ha [5 acres] or more, the Department will prepare the plan and submit the NOI (and NOT). The Contractor shall prepare plans and submit NOI’s (and NOT’s) for regulated construction activities beyond the project limits (e.g., borrow pits).

The Contractor shall be familiar with and comply with these regulations.”

Town: Salem Township
PIN: 8973.00
Date: 9/24/03

SPECIAL PROVISION
SECTION 105
General Scope of Work
(Environmental Requirements)

Instream Work shall not be allowed between the dates of October 1st and July 14th.
(Instream work is allowed from July 15th to September 30th.)

Stream Name; Station #: West Branch Carrabassett River; 2+180.

Special Conditions: Fish passage shall be maintained at all times. Instream work shall be conducted during low flows.

Instream work consists of any activity conducted below the normal high water mark.

All activities are prohibited (including placement and removal of cofferdams) below the normal high water mark and non low flow conditions during the instream work window restriction, except for the following:

- Work within a sealed and dewatered cofferdam. Maintenance pumping within a sealed cofferdam is also allowed.

No construction activity, whether temporary or permanent, is allowed that completely blocks a river, stream, or brook without providing downstream flow.

The contractor shall abide by all permits and conditions.

SPECIAL PROVISION
SECTION 107
SCHEDULING OF WORK

Replace Section 107.4.2 with the following:

”107.4.2 Schedule of Work Required Within 21 Days of Contract Execution and before beginning any on-site activities, the Contractor shall provide the Department with its Schedule of Work. The Contractor shall plan the Work, including the activity of Subcontractors, vendors, and suppliers, such that all Work will be performed in Substantial Conformity with its Schedule of Work. The Schedule must include sufficient time for the Department to perform its functions as indicated in this Contract, including QA inspection and testing, approval of the Contractor's TCP, SEWPCP and QCP, and review of Working Drawings.

At a minimum, the Schedule of Work shall include a bar chart which shows the major Work activities, milestones, durations, and a timeline. Milestones to be included in the schedule include: (A) start of Work, (B) beginning and ending of planned Work suspensions, (C) Completion of Physical Work, and (D) Completion. If the Contractor Plans to Complete the Work before the specified Completion date, the Schedule shall so indicate.

Any restrictions that affect the Schedule of Work such as paving restrictions or In-Stream Work windows must be charted with the related activities to demonstrate that the Schedule of Work complies with the Contract.

The Department will review the Schedule of Work and provide comments to the Contractor within 20 days of receipt of the schedule. The Contractor will make the requested changes to the schedule and issue the finalized version to the Department.”

SPECIAL PROVISION
SECTION 107
Sequence of Operations

The Contractor shall plan and conduct his operations in such a manner that Route 142 is open to two way traffic at all times except as outlined in section 652.

Should any lane remain closed to traffic beyond the fourteen days as outlined in section 652 the Contractor shall be assessed supplemental liquidated damages at the rate of Two Thousand Five Hundred Dollars (\$2500.00) per day for each day or portion of the day, computed in accordance with section 652, that the lane remains closed to traffic.

This assessment of supplemental liquidated damages will be in addition to the liquidated damages specified in Section 107 of the Standard Specifications.

SPECIAL PROVISION
SECTION 107
TIME

(Supplemental Liquidated Damages for Fabrication Time)

107.8.1 Fabrication Time.

The Department has budgeted for the following amounts of continuous fabrication/shop inspection for certain Work components:

<u>Element</u>	<u>Time</u>	<u>Supplemental LD</u>
1) Welded Plate Girders	21 calendar days	\$500 per calendar day
2) Precast Deck Panels	14 calendar days	\$500 per calendar day

The Contractor is responsible for requiring their fabricators and suppliers to produce these products for the Work continuously until finished, including any needed actions to correct unacceptable workmanship or materials. If the Department determines that shop inspection beyond these times is required, then the corresponding Supplemental Liquidated Damages will be deducted as they occur from amounts otherwise due the Contractor. The Contractor will be notified by the Department when these times begin and when the allotted time will expire.

SALEM TWP
8973(00)X
OCTOBER 28, 2003

SPECIAL PROVISION
SECTION 107
PROSECUTION AND PROGRESS
(Contract Time)

The specified contract completion date is October 9, 2004

SALEM TWP-8973.00
MILL POND BRIDGE (2565)
22 JULY 2003

SPECIAL PROVISION
SECTION 203
EXCAVATION AND EMBANKMENT
(Dredge Materials)

Description: Dredge Material (See MDOT Standard Specifications § 101.2) is regulated as a Special Waste.

The Mill Stream is a Class A high-quality surface water feature; therefore, the Beneficial Use of Dredge Material from Mill Stream is exempt from regulation.

CONSTRUCTION REQUIREMENTS

Management and Disposal: The contractor shall ensure that all Dredge Material excavated from the Mill Stream is Beneficially Used in the area(s) specified by MDOT.

Method of Measurement: Dredge Material will be measured by the cubic meter of material removed.

Basis of Payment: Dredge Material Beneficially Used will not be paid for directly but shall be considered incidental to related excavation items, and shall be considered full compensation for excavation, dewatering, managing, transporting, and placement.

SPECIAL PROVISION
SECTION 403
HOT MIX ASPHALT OVERLAY

Desc. of Course	Grad. Design	Item Number	Bit Cont. % of Mix	Total Thick	No. Of Layers	Comp. Notes
<u>Approach Travel Way</u>						
Wearing	12.5 mm	403.208	N/A	40 mm	1	4,9,12,17
Base	19 mm	403.207	N/A	80 mm	1	4,9,17
<u>Approach Shoulders</u>						
Wearing	12.5 mm	403.208	N/A	40 mm	1	4,9,12
<u>Bridge Deck</u>						
Wearing	9.5 mm	403.210	N/A	40 mm	1	2,4,9
Base	9.5 mm	403.210	N/A	40 mm	1	2,4,9

COMPLEMENTARY NOTES

2. The density requirements are waived.
4. The design traffic level for mix placed shall be 0.3 to <3 million ESALS.
9. Section 106.6 Acceptance, (2) Method C
12. A mixture meeting the gradation of 9.5 mm hot mix asphalt may be used at the option of the contractor.
17. The density requirements are as per Supplemental Specification 401.203, Method C.

Tack Coat

A tack coat of emulsified asphalt, RS-1 or HFMS-1, Item #409.15 shall be applied to any existing pavement at a rate of approximately 0.08 L/m², and on milled pavement approximately 0.2 L/m², prior to placing a new course. A fog coat of emulsified asphalt shall be applied between shim / intermediate course and the surface course, at a rate not to exceed 0.08 L/m².

Tack used between layers of pavement will be paid for at the contract unit price for Item 409.15 Bituminous Tack Coat.

SPECIAL PROVISION
SECTION 502
STRUCTURAL CONCRETE
(Precast Deck Panels)

Description. This work shall consist of casting, furnishing, and erecting prestressed structural concrete deck panels (hereafter called “precast deck panels”) and all related materials in accordance with the contract plans and specifications. All work shall be done in accordance with Standard Specification Section 535, “PRECAST, PRESTRESSED CONCRETE SUPERSTRUCTURE”

BASIS OF PAYMENT

All work will be considered incidental to and included in Pay Item 502.26 Structural Concrete Superstructure Slab. Payment shall include full compensation for all materials wholly or partly in the precast deck panels and related materials or work required for the panel erected as shown on the plans. Related materials and work will include, but not be limited to furnishing and installing temporary supports, including adhesive and grout bedding, reinforcing steel, welded wire fabric and cast-in-place concrete.

SPECIAL PROVISION
SECTION 502
STRUCTURAL CONCRETE
(QC/QA Acceptance Methods)

CLASS OF CONCRETE	ITEM NUMBER	DESCRIPTION	P	METHOD
A	502.26	Struc. Conc. Superstructure Slab (Class A)	\$680	A
LP	502.49	Structural Concrete Curbs & Sidewalks	\$780	A
A	502.219	Structural Concrete Abutments and Retaining walls		B
A	502.45	Structural Concrete Approach Slab		B

P values listed above reflect the price per cubic meter for all pay adjustment purposes.

SPECIAL PROVISIONS
SECTION 621
LANDSCAPE
(Plant Species Specification and Quantities List)

The following list of items provides the estimated quantities for use on this project. The scientific name of the plant material is provided along with the common name in parenthesis.

The contractor shall follow MDOT Standard Specifications for landscape materials and installation procedures (sec 621).

The MDOT Landscape Architect or his designee will be available to inspect plant materials and stake the location of plant materials at the time of planting.

A Two-year establishment period shall be incidental to this planting installation.

PLANT MATERIALS

ITEM NO	Description	Unit	Quantity	Total
621.195	Large Deciduous Trees 1 ¾" – 2" cal. (45 mm - 50 mm cal) B&B group A	Ea		6
	Acer rubrum (Red/Swamp Maple)		6	
621.273	Medium Deciduous Trees 5' – 6' Multistemmed (1500 mm - 1800 mm Ht.) B&B group A	Ea		3
	Amelanchier canadensis (Shadblow)		3	
621.546	Deciduous Shrubs 2' – 3' (600 mm - 900 mm) Group A	Ea		18
	Cornus amomum (Silky Dogwood)		6	
	Cornus racemosa (Gray Dogwood)		6	
	Cornus sericea (Red Twig Dogwood)		6	
621.552	Deciduous Shrubs 3' – 4' (900 mm – 1200 mm) Group A	Ea.		12
	Alnus rugosa (Speckled alder)	Ea.	12	

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SPECIAL PROVISION
SECTION 652
MAINTENANCE OF TRAFFIC

Section 652 - Maintenance of Traffic, of the Standard Specifications is amended as follows:

652.3.6 Traffic Control The Contractor shall provide a minimum roadway width of 6.7 m [22 ft] on the approaches for two-way traffic at all times with the exception that when work is being done on the approaches such that Route 142 must be reduced to one lane 3.4 m [11 ft] shall be provided for one-way traffic. Route 142 shall not be reduced to one lane for any more than 14 days for the entire contract period. For the purpose of computing the number of days the route is reduced to one lane any date the contractor closes a lane for four hours or less ½ day of the fourteen days has elapsed, any date the contractor closes the route for more than four hours the entire day shall be counted against the fourteen day limit. The existing travelway width shall be maintained to the maximum extent practical. Vertical panel markers, drums, cones, or striping shall be used to clearly delineate the roadway through the construction area. Two-way traffic operation shall be provided at all times that the Contractor is not working on the project. One-way traffic shall be controlled through work areas by flaggers, utilizing radios, field telephones, or other means of direct communication.

The traffic control devices shall be moved or removed as the work progresses to assure compatibility between the uses of the traffic control devices and the traffic flow. Traffic control devices that become unnecessary shall be immediately removed from use.

In order to maintain two way traffic on the approaches it is anticipated that the contractor will need to shore the excavation with some type of temporary shoring. This shoring shall be designed in accordance with the standard specification section 510 special detours. The work of designing, constructing, and removing the temporary shoring including all labor, equipment and materials necessary for the successful completion of the work shall not be paid for directly, but shall be considered incidental to item number 652.361, maintenance of traffic control devices.

Pavement markings shall be altered as required to conform to the existing traffic flow pattern. Repainting of pavement marking line, if required to maintain the effectiveness of the line, shall be considered maintenance of traffic control devices. No separate payment will be made. Inappropriate existing pavement markings shall be removed whenever traffic is rerouted, and temporary construction pavement markings shall be placed. Obliteration and removal of non-applicable markings and placement of temporary construction pavement markings shall be considered maintenance of traffic control devices and will be paid for under the appropriate Contract item. Traffic changes shall not be made unless there is sufficient time, equipment, materials, and personnel available to complete the change properly before the end of the workday. This provision will not

be required when traffic is rerouted for brief periods during daylight hours and the route can be clearly defined by channelizing devices, or flaggers, or both.

**SPECIAL PROVISION
SECTION 656**

Temporary Soil Erosion and Water Pollution Control

The following is added to Section 656 regarding Project Specific Information and Requirements.

All references to the Maine Department of Transportation Best Management Practices for Erosion and Sediment Control (a.k.a. Best Management Practices manual or BMP Manual) are a reference to the latest revision of said manual. The "Table of Contents" of the latest version is dated "1/19/00" (available at <http://www.state.me.us/mdot/mainhtml/bmp/bmpjan2000.pdf>.)

Procedures specified shall be according to the BMP Manual unless stated otherwise.

Project Specific Information and Requirements

The following information and requirements apply specifically to this Project. The temporary soil erosion and water pollution control measures associated with this work shall be addressed in the SEWPCP.

1. This project is in the upper portion of the Carrabassett River watershed and is considered **SENSITIVE** in accordance with the BMP Manual. The Contractor's SEWPCP shall comply with Section II.B., Guidelines for Sensitive Waterbodies in the BMP Manual.
2. Disturbed areas shall be mulched on a daily basis.
3. Where vegetation is planned, slopes and ditches shall be seeded on a weekly basis.
4. Permanent slope stabilization measures shall be applied within one week of the last soil disturbance.
5. Permanent seeding shall be done in accordance with *Special Provision, Section 618, Seeding* unless the Contract states otherwise.
6. After November 1 the Contractor shall use winter stabilization methods, such as Wood Waste Erosion Control Mix as specified in Special Provision § 619. If required, spring procedures for permanent stabilization spring shall also be described in the plan.
7. Demolition debris (including debris from wearing surface removal, saw cut slurry, dust, etc.) shall be contained and shall not be allowed to discharge to any resource. All demolition debris shall be disposed of in accordance with *Standard Specifications, Section 202.03, Removing Existing Superstructure, Structural Concrete, Railings and Bridges*. Containment and disposal of demolition debris shall be addressed in the Contractor's SEWPCP.
8. Grout from the post-tensioning socket sealing operation and fresh concrete shall not be allowed to contact the stream. Clean out of concrete delivery trucks and the washing of tools shall be addressed in the SEWPCP.

SPECIAL PROVISION
SECTION 656

Temporary Soil Erosion and Water Pollution Control

9. The SEWPCP shall describe the containment method for removal of the existing abutments, including installation of cofferdams and dewatering procedures.
10. A cofferdam sedimentation basin is required if cofferdams are used. The basin shall be located in an upland area where the water can settle and seep into the ground or be released slowly to the resource in a manner that will not cause erosion. The location of such a cofferdam sedimentation basin shall be addressed in the SEWPCP.
11. Prior to release to a natural resource, any impounded water that has been in contact with concrete placed during construction must have a pH between 6.0 and 8.5, must be within one pH unit of the background pH level of the resource and shall have a turbidity no greater than the receiving resource. This requirement is applicable to concrete that is placed or spilled (including leakage from forms) as well as indirect contact via tools or equipment. The Contractor shall be responsible for monitoring pH with a calibrated meter accurate to 0.1 units. A record of pH measurements shall be kept and provided to the Resident Engineer. Water not meeting release criteria shall be addressed in the SEWPCP. Discharging impounded water to the stream must take place in a manner that does not disturb the stream bottom or cause erosion.

Permit No: GP-39

Effective Date: Sept. 29, 2000

Expiration Date: Sept. 29, 2005

Applicant: General Public, State of Maine

**DEPARTMENT OF THE ARMY
PROGRAMMATIC GENERAL PERMIT
STATE OF MAINE**

The New England District of the U.S. Army Corps of Engineers hereby issues a programmatic general permit (PGP) that expedites review of minimal impact work in coastal and inland waters and wetlands within the State of Maine. Activities with minimal impacts, as specified by the terms and conditions of this general permit and on the attached DEFINITION OF CATEGORIES sheets, are either non-reporting (provided required local and state permits are received), or are reporting, to be screened by the Corps and Federal Resource Agencies for applicability under the general permit. This general permit does not affect the Corps individual permit review process or activities exempt from Corps jurisdiction.

Activities Covered: work and structures that are located in, or that affect, navigable waters of the United States (regulated by the Corps under Section 10 of the Rivers and Harbors Act of 1899) and the discharge of dredged or fill material into waters of the United States (regulated by the Corps under Section 404 of the Clean Water Act), and the transportation of dredged material for the purpose of disposal in the ocean (regulated by the Corps under Section 103 of the Marine Protection, Research and Sanctuaries Act).

PROCEDURES:

A. State Approvals

For projects authorized pursuant to this general permit that are also regulated by the State of Maine, the following state approvals are also required and must be obtained in order for this general permit authorization to be valid (applicants are responsible for ensuring that all required state permits and approval have been obtained):

- (a) Maine Department of Environmental Protection (DEP): Natural Resources Protection Act permit, including permit-by-rule and general permit authorizations; Site Location and Development Act permit; and Maine Waterway Development and Conservation Act.
- (b) Maine Department of Conservation: Land Use Regulation Commission (LURC) permit.
- (c) Maine Department of Marine Resources: Lease.
- (d) Bureau of Public Lands, Submerged Lands: Lease.

Note that projects not regulated by the State of Maine (e.g., seasonal floats or moorings) may still be authorized by this general permit.

B. Corps Authorizations : Category I (Non-Reporting)

Work in Maine subject to Corps jurisdiction that meets the definition of Category I on the attached DEFINITION OF CATEGORIES sheets and that meets all of this permit's other conditions, does not require separate application to the Corps of Engineers. If the State or the Corps does not contact the applicant for PBRs and Tier One permits during the State's Tier One 30-day review period, Corps approval may be assumed and the project may proceed. Refer to the Procedures Section at Paragraph E below for additional information regarding screening.

Note that the review thresholds under Category I apply to single and complete projects only (see special condition 5). Also note that Category I does not apply to projects occurring in a component of, or within 0.25 miles up and downstream of the main stem or tributaries of a river segment of the National Wild and Scenic River System (see condition 11, and page 9 for the listed rivers in Maine).

There are also restrictions on other national lands or concerns which must be met in order for projects to be eligible for authorization under this PGP. Refer to special conditions 6-13 under Paragraph F below.

Work that is not regulated by the State of Maine, but that is subject to Corps jurisdiction, is eligible for Corps authorization under this PGP in accordance with the review thresholds and conditions contained herein.

Although Category I projects are non-reporting, the Corps reserves the right to require screening or an individual permit review if there are concerns for the aquatic environment or any other factor of the public interest (see special condition 4 on Discretionary Authority). The Corps review or State/Federal screening process may also result in project modification, mitigation or other special conditions necessary to minimize impacts and protect the aquatic environment as a requirement for PGP approval.

C. Corps Authorization: Category II (Reporting – requiring screening)

APPLICATION PROCEDURES

For projects that do not meet the terms of Category I (see DEFINITION OF CATEGORIES sheets), the Corps, State, and Federal Resource Agencies will conduct joint screening meetings to review applications. If projects are concurrently regulated by the DEP or LURC, applicants do not need to submit separate applications to the Corps. For projects not regulated by DEP or LURC, applicants must submit an application to the Corps Maine Project Office for a case-by-case determination of eligibility under this general permit (Category II). **Category II projects may not proceed until written notification is received from the Corps.**

Category II projects which occur in a component of, or within 0.25 mile up or downstream of the main stem or tributaries of a river segment of the National Wild and Scenic River System, will be coordinated with the National Park Service (see special condition 11, and page 9 for listed rivers in Maine).

There are also restrictions on other national lands or concerns which must be met in order for projects to be eligible for authorization under this PGP. Refer to special conditions 6-14 under Paragraph E below.

Category II applicants shall submit a copy of their application materials to the Maine Historic Preservation Commission and/or applicable Indian tribe(s) at the same time, or before, they apply to the DEP, LURC, or the Corps so that the project can be reviewed for the presence of historic/archaeological resources in the project area that may be affected by the proposed work. **Applications to the DEP or the Corps should include information to indicate that this has been done (applicant's statement or copy of cover letter to Maine Historic Preservation Commission and/or Indian tribe(s)).**

The Corps may require additional information on a case-by-case basis as follows:

- (a) purpose of project;
- (b) 8 1/2" by 11" plan views of the entire property including property lines and project limits with existing and proposed conditions (**legible, reproducible plans required**);
- (c) wetland delineation for the site, information on the basis of the delineation, and calculations of waterway and wetland impact areas (see special condition 2);
- (d) typical cross-section views of all wetland and waterway fill areas and wetland replication areas;
- (e) delineation of submerged aquatic vegetation, e.g., eel grass beds, in tidal waters;
- (f) area, type and source of fill material to be discharged into waters and wetlands, including the volume of fill below ordinary high water in inland waters and below the high tide line in coastal waters;
- (g) mean low, mean high water and high tide elevations in navigable waters;
- (h) limits of any Federal navigation project in the vicinity and State Plane coordinates for the limits of the proposed work closest to the Federal project;
- (i) on-site alternatives analysis (contact Corps for guidance);
- (j) identify and describe potential impacts to Essential Fish Habitat (contact Corps for guidance);
- (k) for dredging projects, include:
 - 1) the volume of material and area in square feet to be dredged below mean high water,
 - 2) existing and proposed water depths,
 - 3) type of dredging equipment to be used,
 - 4) nature of material (e.g., silty sand),

- 5) any existing sediment grain size and bulk sediment chemistry data for the proposed or any nearby projects,
- 6) information on the location and nature of municipal or industrial discharges and occurrences of any contaminant spills in or near the project area,
- 7) location of the disposal site (include locus sheet),
- 8) shellfish survey, and
- 9) sediment testing, including physical, chemical and biological testing. For projects proposing open water disposal, applicants are encouraged to contact the Corps as early as possible regarding sampling and testing protocols.

The Corps may request additional information. Dredging applicants may be required to conduct a shellfish and/or eel grass survey and sediment testing, including physical, chemical and biological testing. Sediment sampling and testing plans should be prepared or approved by the Corps before the samples are collected.

STATE-FEDERAL SCREENING PROCEDURES:

The Corps intends to utilize the application information required by the State for its regulatory program to the maximum extent practicable and the Corps normally will not be interacting with an applicant who is concurrently making application to the DEP or LURC. Projects not regulated by the State, but needing Corps of Engineers approval, **must apply directly to the Corps**. The joint screening meeting for Category II projects will occur regularly at the Corps or State offices and will involve representatives from the DEP, the Corps, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service.

The Corps and Federal Resource Agencies will classify the project within the State's review period, not to exceed 60 days, as: 1) approvable under the PGP as proposed; 2) needs additional information, including possible project modification, mitigation or other special conditions to minimize impacts; or 3) exceeds the terms or conditions of the PGP, including the minimal effects requirement, and an individual permit review will be required. In addition, the Corps retains the ability to exercise its discretionary authority and require an individual permit, irrespective of whether the terms and conditions of this general permit are met, based on concerns for the aquatic environment or any factor of the public interest (see special condition 4 on Discretionary Authority). All Category II projects must receive written approval from the Corps before work can proceed. If the project is not approvable as proposed, the DEP, LURC, or the Corps will contact the applicant to discuss the concerns raised. If the applicant is unable to resolve the concerns, the Corps, independently or at the request of the Federal Resource Agencies, will require an individual permit for the project. The applicant will be notified of this in writing, along with information about submitting the necessary application materials. The comments from the Federal Resource Agencies to the Corps may be verbal initially, and must be made within 10 working days of the screening meeting. These comments must be confirmed in writing within 10 calendar days of the verbal response if the Resource Agency(ies) will request an individual permit. The Federal Resource Agency's comments must reflect a concern within their area of expertise, state the species or resources that could be impacted by the project, and describe the impacts that either individually or cumulatively will be more than minimal.

MINERALS MANAGEMENT SERVICE (MMS) REVIEW

For Category II projects which involve construction of solid fill structures or discharge of fills along the coast which may extend the coastline or baseline from which the territorial sea is measured, coordination between the Corps and Minerals Management Service (MMS), Continental Shelf (OCS) Survey Group, will be needed (pursuant to the Submerged Lands Act, 43 U.S.C., Section 1301-1315, 33 CFR 320.4(f)). During the screening period, the Corps will forward project information to MMS for their review. MMS will coordinate their determination with the Department of the Interior (DOI) Solicitor's Office. The DOI will have 15 calendar days from the date MMS is in receipt of project information to determine if the baseline will be affected. No notification to the Corps within 15 day review period will constitute a "no affect" determination. Otherwise, the solicitor's notification to the Corps may be verbal but must be followed with a written confirmation within 10 business days from the date of the verbal notification. This procedure will be eliminated if the State of Maine provides a written waiver of interest in any increase in submerged lands caused by a change in the baseline resulting from solid fill structure or fills authorized under this general permit.

D. Corps Authorization: Category III (Individual Permit)

Work that is in the INDIVIDUAL PERMIT category on the attached DEFINITION OF CATEGORIES sheets, or that does not meet the terms and conditions of this general permit, will require an application for an individual permit from the Corps of Engineers (see 33 CFR Part 325.1). The screening procedures outlined above will only serve to delay project review in such cases. The applicant should submit the appropriate application materials (including the Corps application form) at the earliest possible date. General information and application forms can be obtained at (207) 623-8367 (Maine Field Office), (800) 343-4789, or (800) 362-4367 in Massachusetts. Individual water quality certification and coastal zone management consistency concurrence will be required from the State of Maine before Corps permit issuance.

E. Programmatic General Permit Conditions:

The following conditions apply to activities authorized under the PGP, including all Category I (non-reporting) and Category II (reporting – requiring screening) activities:

GENERAL REQUIREMENTS:

1. **Other Permits.** Authorization under this general permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
2. **Applicability of this general permit shall be evaluated with reference to Federal jurisdictional boundaries.** Applicants are responsible for ensuring that the boundaries used satisfy the federal criteria defined at 33 CFR 328-329.
3. **Minimal Effects.** Projects authorized by this general permit shall have minimal individual and cumulative adverse environmental impacts as determined by the Corps.

4. **Discretionary Authority.** Notwithstanding compliance with the terms and conditions of this permit, the Corps of Engineers retains discretionary authority to require review for an individual permit based on concerns for the aquatic environment or for any other factor of the public interest. This authority is invoked on a case-by-case basis whenever the Corps determines that the potential consequences of the proposal warrant individual review based on the concerns stated above. This authority may be invoked for projects with cumulative environmental impacts that are more than minimal or if there is a special resource or concern associated with a particular project that is not already covered by the remaining conditions of the PGP and that warrants greater review.

Whenever the Corps notifies an applicant that an individual permit may be required, authorization under this general permit is void and no work may be conducted until the individual Corps permit is obtained or until the Corps notifies the applicant that further review has demonstrated that the work may proceed under this general permit.

5. **Single and Complete Projects.** This general permit shall not be used for piecemeal work and shall be applied to single and complete projects. All components of a single project and/or all planned phases of multi-phased projects shall be treated together as constituting one single and complete project (e.g., subdivisions should include all work such as roads, utilities, and lot development). This general permit shall not be used for any activity that is part of an overall project for which an individual permit is required.

NATIONAL CONCERNS:

6. **St. John/St. Croix Rivers.** This covers work within the Saint John and Saint Croix River basins that requires approval of the International Joint Commission. This includes any temporary or permanent use, obstruction or diversion of international boundary waters which could affect the natural flow or levels of waters on the Canadian side of the line, as well as any construction or maintenance of remedial works, protective works, dams, or other obstructions in waters downstream from boundary waters when the activity could raise the natural level of water on the Canadian side of the boundary.
7. **Historic Properties.** Any activity authorized by this general permit shall comply with Section 106 of the National Historic Preservation Act. Information on the location and existence of historic resources can be obtained from the Maine Historic Preservation Commission and the National Register of Historic Places. Federally recognized tribes (Penobscots, Passamaquoddys, Micmacs, and Maliseets) may know of the existence of other sites that may be of significance to their tribes. See page 14 for historic properties contacts.

Applicants with projects which will undergo the screening process (Category II) shall submit a copy of their application materials, with the name and address of the applicant clearly indicated, to the Maine Historic Preservation Commission, 55 Capitol Street, State House Station 65, Augusta, Maine 04333, and to the applicable tribe(s) to be reviewed for the presence of historic and/or archaeological resources in the permit area that may be affected by the proposed work. The Corps will then be notified by the Commission and/or

Tribe within 10 days if there are State and/or tribal concerns that the proposed work will have an effect on historic resources. The applicant should include with their application to the State or the Corps either a copy of their cover letter or a statement of having sent their application material to the Commission and Tribe(s).

If the permittee, either prior to construction or during construction of the work authorized herein, encounters a previously unidentified archaeological or other cultural resource, within the area subject to Department of the Army jurisdiction, that might be eligible for listing in the National Register of Historic Places, he/she shall stop work and immediately notify the District Engineer and the Maine Historic Preservation Commission and/or applicable Tribe(s).

8. **National Lands.** Activities authorized by this general permit shall not impinge upon the value of any National Wildlife Refuge, National Forest, or any area administered by the National Park Service.
9. **Endangered Species.** No activity is authorized under this general permit which
 - may affect a threatened or endangered species or a species proposed for such designation as identified under the Federal Endangered Species Act (ESA),
 - is likely to destroy or adversely modify the critical habitat or proposed critical habitat of such species,
 - would result in a 'take' of any threatened or endangered species of fish or wildlife, or
 - would result in any other violation of Section 9 of the ESA protecting threatened or endangered species of plants.

Applicants shall notify the Corps if any listed species or critical habitat, or proposed species or critical habitat, is in the vicinity of the project and shall not begin work until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. Information on the location of threatened and endangered species and their critical habitat can be obtained from the U.S. Fish and Wildlife Service and National Marine Fisheries Service (addresses attached, page 14).

10. **Essential Fish Habitat.** As part of the PGP screening process, the Corps will coordinate with the National Marine Fisheries Service (NMFS) in accordance with the 1996 amendments to the Magnuson-Stevens Fishery and Conservation Management Act to protect and conserve the habitat of marine, estuarine and anadromous finfish, mollusks, and crustaceans. This habitat is termed "essential fish habitat (EFH)", and is broadly defined to include "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." Applicants may be required to describe and identify potential impacts to EFH based upon the location of the project, the activity proposed, and the species present. Conservation recommendations made by NMFS will normally be included as a permit requirement by the Corps. Information on the location of EFH can be obtained from the NMFS regulations (50 CFR Part 600) (address listed on page 14) and on their web site (<http://www.nero.nmfs.gov/ro/doc/webintro.html>).

The EFH designation for Atlantic salmon includes all aquatic habitats in the watershed of the following rivers and streams, including all tributaries to the extent that they are currently or were historically accessible for salmon migration:

St. Croix River	Pleasant River	Union River
Boyden River	Narraguagus River	Ducktrap River
Dennys River	Tunk Stream	Sheepscot River
Hobart Stream	Patten Stream	Kennebec River
Aroostook River	Orland River	Androscoggin River
East Machias River	Penobscot River	Presumpscot River
Machias River	Passagassawaukeag River	Saco River

11. **Wild and Scenic Rivers.** Any activity that occurs in a component of, or within 0.25 mile up or downstream of the main stem or tributaries of a river segment of the National Wild and Scenic River System, **must be reviewed by the Corps under the procedures of Category II of this general permit regardless of size of impact.** This condition applies to both designated wild and scenic rivers and rivers designated by Congress as study rivers for possible inclusion while such rivers are in an official study status. The Corps will consult with the National Park Service (NPS) with regard to potential impacts of the proposed work on the resource values of the Wild and Scenic River. The culmination of this coordination will be a determination by the NPS and the Corps that the work: (1) may proceed as proposed; (2) may proceed with recommended conditions; or (3) could pose a direct and adverse effect on the resource values of the river and an individual permit is required. If preapplication consultation between the applicant and the NPS has occurred whereby the NPS has made a determination that the proposed project is appropriate for authorization under this PGP (with respect to wild and scenic river issues), this determination should be furnished to the Corps with submission of the application. The address of the NPS can be found on Page 14 of this permit. *National Wild/Scenic Rivers System (Designated River in Maine) as of 5/2/00: Allagash River beginning at Telos Dam continuing to Allagash checkpoint at Eliza Hole Rapids, approximately 3 miles upstream of the confluence with the St. John River. Length = 92 miles*
12. **Federal Navigation Project.** Any structure or work that extends closer to the horizontal limits of any Corps navigation project than a distance of three times the project's authorized depth (see attached map following page 16 for locations of these projects) shall be subject to removal at the owner's expense prior to any future Corps dredging or the performance of periodic hydrographic surveys.
13. **Navigation.** There shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein.

The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure

or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

14. **Federal Liability.** In issuing this permit, the Federal Government does not assume any liability for the following: (a) damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes; (b) damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest; (c) damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit; (d) design or construction deficiencies associated with the permitted work; (e) damage claims associated with any future modification, suspension, or revocation of this permit.

MINIMIZATION OF ENVIRONMENTAL IMPACTS:

15. **Minimization.** Discharges of dredged or fill material into waters of the United States shall be avoided and minimized to the maximum extent practicable, regardless of review category.
16. **Work in Wetlands.** Heavy equipment working in wetlands shall be avoided if possible, and **if required, shall be placed on mats or other measures taken** to minimize soil and vegetation disturbance. Disturbed areas in wetlands shall be restored to preconstruction contours and conditions upon completion of the work.
17. **Temporary Fill.** Temporary fill in waters and wetlands authorized by this general permit (e.g., access roads, cofferdams) shall be properly stabilized during use to prevent erosion. Temporary fill in wetlands shall be placed on geotextile fabric laid on existing wetland grade. Temporary fills shall be disposed of at an upland site, suitably contained to prevent erosion and transport to a waterway or wetland. Temporary fill areas shall be restored to their approximate original contours but not higher. No temporary fill shall be placed in waters or wetlands unless specifically authorized by the Corps.
18. **Sedimentation and Erosion Control.** Adequate sedimentation and erosion control management measures, practices and devices, such as phased construction, vegetated filter strips, geotextile silt fences or other devices, shall be installed and properly maintained to reduce erosion and retain sediment on-site during and after construction. They shall be capable of preventing erosion, of collecting sediment, suspended and floating materials, and of filtering fine sediment. These devices shall be removed upon completion of work and the disturbed areas shall be stabilized. The sediment collected by these devices shall be removed and placed at an upland location in a manner that will prevent its later erosion into a waterway or wetland. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date.

19. **Waterway Crossings.**

- (a) All temporary and permanent crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed to withstand and to prevent the restriction of high flows, to maintain existing low flows, and to not obstruct the movement of aquatic life indigenous to the waterbody beyond the actual duration of construction.
- (b) Temporary bridges, culverts, or cofferdams shall be used for equipment access across streams (NOTE: areas of fill and/or cofferdams must be included in total waterway/wetlands impacts to determine applicability of this general permit).
- (c) For projects that otherwise meet the terms of Category I, instream construction work shall be conducted during the low flow period July 15 - October 1 in any year. Projects that are not to be conducted during that time period are ineligible for Category I and shall be screened pursuant to Category II, regardless of the waterway and wetland fill and/or impact area.

20. **Discharge of Pollutants.** All activities involving any discharge of pollutants into waters of the United States authorized under this general permit shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the Clean Water Act (33 U.S.C. 1251) and applicable state and local laws. If applicable water quality standards, limitations, etc., are revised or modified during the term of this permit, the authorized work shall be modified to conform with these standards within six months of the effective date of such revision or modification, or within a longer period of time deemed reasonable by the District Engineer in consultation with the Regional Administrator of the Environmental Protection Agency. Applicants may presume that state water quality standards are met with issuance of the 401 Water Quality Certification.

21. **Spawning Areas.** Discharges into known 1) fish and shellfish spawning or nursery areas; and 2) amphibian and waterfowl breeding areas, during spawning or breeding seasons shall be avoided, and impacts to these areas shall be avoided or minimized to the maximum extent practicable during all times of year.

22. **Storage of Seasonal Structures.** Coastal structures such as pier sections and floats that are removed from the waterway for a portion of the year shall be stored in an upland location located above mean high water and not in tidal marsh.

23. **Environmental Values.** The permittee shall make every reasonable effort to carry out the construction or operation of the work authorized herein in a manner so as to maintain as much as is practicable, and to minimize any adverse impacts on, existing fish and wildlife and natural environmental values.

24. **Protection of Vernal Pools.** Impacts to uplands in proximity (within 500 feet) to the vernal pools referenced in DEFINITIONS OF CATEGORIES shall be minimized to the maximum extent possible.

PROCEDURAL CONDITIONS:

25. **Cranberry Development Projects.** For Cranberry development projects authorized under the PGP, the following conditions apply:
1. If a cranberry bog is abandoned for any reason, the area must be allowed to convert to natural wetlands unless an individual permit is obtained from the Corps of Engineers allowing the discharge of fill for an alternate use.
 2. No stream diversion shall be allowed under this permit.
 3. No impoundment of perennial streams shall be allowed under this permit.
 4. The project shall be designed and constructed to not cause flood damage on adjacent properties.
26. **Inspections.** The permittee shall permit the District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary in order to ensure that the work is being performed in accordance with the terms and conditions of this permit. The District Engineer may also require post-construction engineering drawings for completed work, and post-dredging survey drawings for any dredging work. **To facilitate these inspections, the attached work notification form should be filled out and returned to the Corps for all Category II projects.**
27. **Maintenance.** The permittee shall maintain the work or structures authorized herein in good condition, including maintenance, to ensure public safety. Dredging projects: note that this does not include maintenance of dredging projects. Maintenance dredging is subject to the review thresholds described on the attached DEFINITION OF CATEGORIES sheets and/or any conditions included in a written Corps authorization.
28. **Property Rights.** This permit does not convey any property rights, either in real estate or material, or any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of federal, state, or local laws or regulations. **If property associated with work authorized by the PGP is sold, the PGP authorization is automatically transferred to the new property owner. The new property owner should provide this information to the Corps in writing. No acknowledgement from the Corps is necessary.**
29. **Modification, Suspension, and Revocation.** This permit may be either modified, suspended, or revoked, in whole or in part, pursuant to the policies and procedures of 33 CFR 325.7 and any such action shall not be the basis for any claim for damages against the United States.
30. **Restoration.** The permittee, upon receipt of a notice of revocation of authorization under this permit, shall restore the wetland or waterway to its former condition without expense to the United States and as directed by the Secretary of the Army or his authorized representative. If the permittee fails to comply with such a directive, the Secretary or his designee may restore the wetland or waterway to its former condition, by contract or otherwise, and recover the cost from the permittee.

31. **Special Conditions.** The Corps, independently or at the request of the Federal Resource Agencies, may impose other special conditions on a project authorized pursuant to this general permit that are determined necessary to minimize adverse environmental effects or based on any other factor of the public interest. Failure to comply with all conditions of the authorization, including special conditions, will constitute a permit violation and may subject the permittee to criminal, civil, or administrative penalties or restoration.
32. **False or Incomplete Information.** If the Corps makes a determination regarding the eligibility of a project under this permit and subsequently discovers that it has relied on false, incomplete, or inaccurate information provided by the permittee, the permit shall not be valid and the government may institute appropriate legal proceedings.
33. **Abandonment.** If the permittee decides to abandon the activity authorized under this general permit, unless such abandonment is merely the transfer of property to a third party, he/she must restore the area to the satisfaction of the District Engineer.
34. **Enforcement cases.** This general permit does not apply to any existing or proposed activity in Corps jurisdiction associated with an on-going Corps of Engineers or Environmental Protection Agency enforcement action until such time as the enforcement action is resolved or the Corps determines that the activity may proceed independently without compromising the enforcement action. The Corps may choose not to accept applications or issue permits to any applicant with outstanding violations.
35. **Emergency situations.** This PGP can be used to authorize the repair, rehabilitation, or replacement of those structures destroyed by storms, floods, fire or other discrete unexpected and catastrophic event. In such situations and if the work exceeds Category I limitations, if applicant applies to the Corps within 30 days of the event, the Corps will attempt to contact the resource agencies for their approvals but, if unable to contact them, will issue an emergency permit and review them after-the-fact with the agencies at the next joint processing meeting. Proposed work submitted more than 30 days after the emergency will go through the standard PGP procedures.

DURATION OF AUTHORIZATION/GRANDFATHERING:

36. **Duration of Authorization.** Activities authorized under this general permit that have commenced (i.e., are under construction) or are under contract to commence in reliance upon this authorization will remain authorized provided the activity is completed within twelve months of the date of the general permit's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.2 (e)(2). Activities completed under the authorization of the general permit that was in effect at the time the activity was completed will continue to be authorized by the general permit.

37. Previously Authorized Activities.

- (a) Activities which have commenced (i.e., are under construction or are under contract to commence) prior to the issuance date of this general permit, in reliance upon the terms and conditions of the non-reporting category of the previous Maine PGP shall remain authorized provided the activity is completed within twelve months of the date of issuance of this general permit, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with special condition 4. The applicant must be able to document to the Corps satisfaction that the project was under construction or contract by the appropriate date.
- (b) Projects that have received written verification or approval from the Corps, based on applications made to the Corps prior to issuance of this general permit, for the previous Maine SPGP and PGP, Nationwide permits, regional general permits, or letters of permission shall remain authorized as specified in each authorization.
- (c) This general permit does not affect activities authorized pursuant to 33 CFR Part 330.3 (activities occurring before certain dates).

{PRIVATE}DISTRICT
ENGINEER_____

DATE_____

CONTACTS FOR MAINE PROGRAMMATIC GENERAL PERMIT:

U.S. Army Corps of Engineers
Maine Project Office
675 Western Avenue #3
Manchester, Maine 04351
207-623-8367
Fax # 207-623-8206

Federal Endangered Species
U.S. Fish and Wildlife Service
Maine Field Office
1033 South Main Street
Old Town, Maine 04468
207-827-5938
Fax # 207-827-6099

Wild and Scenic Rivers
National Park Service
North Atlantic Region
15 State Street
Boston, MA 02109
617-223-5203

Maine Historic Preservation Commission
55 Capitol Street
State House Station 65
Augusta, Maine 04333
207-287-2132
Fax # 207-287-2335

Aroostook Band of Micmacs
P.O. Box 772
Presque Isle, Maine 04769
207-764-1972
Fax # 207-764-7667

Passamaquoddy Tribe of Indians
Pleasant Point Reservation
Attn: Tribal Council
P.O. Box 343
Perry, Maine 04667
207-853-2600
Fax # 207-853-6039

*Federal Endangered Species and Essential
Fish Habitat*
National Marine Fisheries Service
One Blackburn Drive
Gloucester, Massachusetts 01939
978-281-9102
Fax # 978-281-9301

Houlton Band of Maliseet Indians
Attn: Brenda Commander, Tribal Chief
Route 3 – Box 450
Houlton, Maine 04730
207-532-4273
Fax # 207-532-2660

Passamaquoddy Tribe of Indians
Indian Township Reservation
Attn: Donald Soctomah
P.O. Box 301
Princeton, Maine 04668
207-796-2301
Fax # 207-796-5256

Penobscot Indian Nation
Richard Hamilton, Chief
6 River Road
Indian Island Reservation
Old Town, Maine 04468
(207) 827-7776
Fax # 207-827-1137

*Maine Department of Environmental Protection
(For State Permits and Water Quality
Certifications)*

Natural Resources Division
Bureau of Land and Water Quality Control
State House Station 17
Augusta, Maine 04333
207-287-2111

Southern Maine Regional Office
312 Canco Road
Portland, Maine 04103
201-822-6300

Eastern Maine Regional Office
106 Hogan Road
Bangor, Maine 04401
207-941-4570

Northern Maine Regional Office
1235 Central Drive
Skyway Park
Presque Isle, Maine 04769
207-764-0477

*Maine Land Use Regulation Commission (LURC)
offices*

22 State House Station
Augusta, ME 04333-0022
207-287-2631
800-452-8711 (call to obtain appropriate LURC
office)
Fax # 207-287-7439

45 Radar Road
Ashland, ME 04732-3600
207-435-7963
Fax # 207-435-7184

Lakeview Drive
P.O. Box 1107
Greenville, ME 04441
207-695-2466
Fax # 207-695-2380

191 Main Street
East Millinocket, ME 04430
207-746-2244
Fax # 207-746-2243

(For CZM Determinations)

State Planning Office
Coastal Program
184 State Street
State House Station 38
Augusta, Maine 04333
207-287-1009

*Maine Department of Marine Resources
(For Aquaculture Leases)*
McKown Point
Boothbay Harbor, Maine 04575
207-633-9500

(For Submerged Lands Leases)

Maine Department of Conservation
Bureau of Parks and Lands
22 State House Station
207-287-3061

A. INLAND WETLANDS (WATERS OF THE U.S.)¹	CATEGORY I	CATEGORY II	INDIVIDUAL PERMIT
(a) NEW FILL/ EXCAVATION DISCHARGES	<p>Less than 4,300 sf inland waterway and/or wetland fill and secondary impacts (e.g., areas drained, flooded or cleared).</p> <p>-- Includes projects covered by a State Tier One permit with no cumulative impacts over 15,000 sf in inland wetlands from previous permits, unauthorized work, and/or other state permits.</p> <p>--Includes crossing of perennial waterways designated as Essential Fish Habitat (EFH) for Atlantic salmon² if the waterway is crossed with a span and footprints of the span abutments are outside ordinary high water with no more than 4,300 sf of associated wetland impact.</p> <p>--Includes in-stream work of up to 4,300 sf of fill below ordinary high water in waterways not designated as EFH for Atlantic salmon² and performed in accordance with Maine Permit By Rule standards or a LURC permit.</p>	<p>4,300 sf to 3 acres inland waterway and/or wetland fill and secondary impacts (e.g., areas drained, flooded or cleared).</p> <p>--Impact area includes all temporary and permanent fill and excavation discharges except for incidental fallback.</p> <p>--Includes in-stream work, including crossings (other than spanned crossing as described in Category I) with any discharge of fill below ordinary high water in perennial waterways designated as EFH for Atlantic salmon².</p> <p>--Time of year restrictions determined case-by-case.</p>	<p>Greater than 3 acres inland waterway and/or wetland fill and secondary impacts (e.g., areas drained, flooded or cleared).</p> <p>--Impact area includes all temporary and permanent fill and excavation discharges except for incidental fallback³.</p> <p>In-stream work exceeding Category II limits.</p> <p>If EIS required by the Corps.</p>

¹ Waters of the U.S. in inland areas: inland rivers, streams, lakes, ponds and wetlands.

² Essential Fish Habitat for Atlantic salmon includes all aquatic habitats in the watersheds of the following rivers and streams, including all tributaries to the extent that they are currently or were historically accessible for salmon migration: St. Croix, Boyden, Dennys, Hobart Stream, Aroostook, East Machias, Machias, Pleasant, Narraguagus, Tunk Stream, Patten Stream, Orland, Penobscot, Passagassawaukeag, Union, Ducktrap, Sheepscot, Kennebec, Androscoggin, Presumpscot, and Saco River.

The larger the impacts, the more likely an individual permit will be required. Projects involving widening, expansion or impacts to degraded or low value wetlands between 1-3 acres may be approved under Category II, subject to the Federal screening. The Corps recognizes and endorses the DEP Tier 2 upper thresholds of 1 acre. Compensatory mitigation is likely to be required at this level of impact.

	CATEGORY I	CATEGORY II	INDIVIDUAL PERMIT
(a) NEW FILL/ EXCAVATION DISCHARGES (continued)	<p>--Impact area includes all temporary and permanent fill and excavation discharges except for incidental fallback.</p> <p>--In-stream work limited to July 15-Oct. 1.</p> <p>--This category excludes situations when a vernal pool of any size may be impacted, in accordance with the ME DEP definition of vernal pool⁴.</p> <p>--This category excludes work within ¼ mile of a Wild and Scenic River⁵.</p> <p>--This category excludes dams, dikes, or activities involving water withdrawal or water diversion.</p> <p>--This category excludes work in National Wildlife Refuges.</p>	Proactive restoration projects with any amount of impact can be reviewed under Category II. The Corps, in consultation with State and Federal agencies, must determine that net adverse effects are not more than minimal.	
(b) BANK STABILIZATION PROJECTS	<p>Inland bank stabilization less than 500 ft. long and less than 1 cy fill per linear foot below ordinary high water in ponds, lakes, and waterways not designated as EFH for Atlantic Salmon², provided there is no wetland fill.</p> <p>--In-stream work limited to July 15-October 1.</p>	<p>--Inland bank stabilization in ponds, lakes, and waterways not designated as EFH for Atlantic salmon² which exceeds Category I limits.</p> <p>--Inland bank stabilization of any size below ordinary high water in waterways designed as EFH for Atlantic salmon².</p> <p>--Other stabilization exceeding Category I.</p>	
(c) REPAIR AND MAINTENANCE OF AUTHORIZED FILLS	Repair or maintenance of existing, currently serviceable, authorized fills with no substantial expansion or change in use.	Replacement of non-serviceable fills, or repair or maintenance of serviceable fills with expansion of any amount up to 1 acre, or with a change in use.	Replacement of non-serviceable fills, or repair or maintenance of serviceable fills with greater than 1 acre of expansion.

⁴ Vernal Pool: Naturally-occurring, or intentionally created for the purposes of compensatory mitigation, temporary to permanent bodies of water occurring in shallow depressions that fill during the spring and fall and may dry during the summer. Vernal pools have no permanent or viable populations of predatory fish. Vernal pools provide the primary breeding habitat for wood frogs, spotted salamanders, blue-spotted salamanders, and fairy shrimp, and provide habitat for other wildlife including several endangered and threatened species.

⁵ National Wild/Scenic Rivers System (Designated River in Maine): Allagash River beginning at Telos Dam continuing to Allagash checkpoint at Eliza Hole Rapids, approximately 3 miles upstream of the confluence with the St. John River. Length = 92 miles

B. TIDAL WATERS AND NAVIGABLE WATERS⁶	CATEGORY I	CATEGORY II	INDIVIDUAL PERMIT
(a) FILL		<p>Up to 1 acre waterway or wetland fill and secondary impacts (e.g., areas drained, flooded or cleared). Includes temporary and permanent waterway fill.</p> <p>--Temporary tidal marsh impacts up to 1 acre.</p> <p>--Permanent tidal marsh, mudflat, or vegetated shallows⁷ fill up to 1,000 sf.</p> <p>-- Proactive restoration projects with any amount of impact can be reviewed under Cat. II. The Corps, in consultation with State and Federal agencies, must determine that net adverse effects are not more than minimal.</p>	<p>Greater than 1 acre waterway fill and secondary impacts (e.g., areas drained, flooded or cleared). Includes temporary and permanent waterway fill.</p> <p>--Temporary tidal marsh impacts over 1 acre.</p> <p>--Permanent tidal marsh, mudflat, or vegetated shallows⁶ fill over 1,000 sf.</p>
(b) REPAIR AND MAINTENANCE WORK	<p>Repair or maintenance of existing, currently serviceable, authorized structure or fill with no substantial expansion or change in use.</p> <p>--Work must be in same footprint as original structure or fill.</p>	<p>Repair or replacement of any non-serviceable structure or fill, or repair or maintenance of serviceable fills, with expansion of any amount up to 1 acre, or with a change in use.</p>	<p>Replacement of non-serviceable structures or fill or repair or maintenance of serviceable structures or fill with expansion greater than 1 acre.</p>

⁶ Navigable Waters: waters that are subject to the ebb and flow of the tide and Federally designated navigable waters (Penobscott River to Medway, Kennebec River to Moosehead Lake, and the portion of Umbagog Lake in Maine).

⁷ Vegetated Shallows: subtidal areas that support rooted aquatic vegetation such as eelgrass.

	CATEGORY I	CATEGORY II	INDIVIDUAL PERMIT
(c) DREDGING	<p>Maintenance dredging of less than 1,000 cy with upland disposal.</p> <p>--Proper siltation controls used</p> <p>--Limited to work between November 1 and January 15</p> <p>--No impact to special aquatic sites⁸.</p>	<p>Maintenance dredging of greater than 1,000 cy, new dredging of up to 25,000 cy, or projects that do not meet Category I. Disposal includes upland, open water or beach nourishment (above mean high water), only if material is determined suitable.</p>	<p>Maintenance dredging (any amount) in or affecting special aquatic sites⁷.</p> <p>See B(a) above for dredge disposal in wetlands or waters.</p> <p>New dredging greater than 25,000 cy or any amount in or affecting special aquatic sites⁷.</p>
(d) MOORINGS	<p>--Private, non-commercial, non-rental single boat moorings not associated with any boating facility⁹ provided not located in a Federal Navigation Project, there is no interference with navigation, it is not located in vegetated shallows⁶, and it is within ¼ mile of the owner's residence or a public access point¹⁰.</p> <p>--Minor relocation of previously authorized moorings and moored floats consistent with Harbormaster recommendations, provided it is also consistent with local regulations, is not located in vegetated shallows, and does not interfere with navigation.</p>	<p>Moorings that do not meet the terms of Category I (e.g., rental or service moorings) and moorings that meet the terms of Category I that are located in a Federal anchorage.</p>	<p>Moorings within the horizontal limits, or with moored vessels that extend, into the horizontal limits of a Federal Navigation Project, except those in Federal anchorages under Category II.</p>

⁸ Special Aquatic Sites: include wetlands and salt marsh, mudflats, riffles and pools, and vegetated shallows.

⁹ Boating Facilities: facilities that provide, rent, or sell mooring space, such as marinas, yacht, clubs, boat clubs, boat yards, town facilities, dockominiums, etc.

¹⁰ Cannot be at a remote location to create a convenient transient anchorage.

	CATEGORY I	CATEGORY II	INDIVIDUAL PERMIT
(e) PILE-SUPPORTED STRUCTURES AND FLOATS	Reconfiguration of existing authorized docks, provided structures are not positioned over vegetated shallows ⁶ or salt marsh and provided floats are supported off substrate at low tide. No dredging, additional slips or expansion allowed.	Private piers and floats for navigational access to waterway (seasonal and permanent).	Structures, piers or floats that extend, or with docked/moored vessels that extend, into the horizontal limits of a Federal Navigation Project. Structures, including piers and floats, associated with a new or previously unauthorized boating facility ⁸ .
(f) MISCELLANEOUS	<p>--Temporary buoys, markers, floats, etc., for recreational use during specific events, provided they are removed within 30 days after use is discontinued.</p> <p>--Coast Guard approved aids to navigation.</p> <p>--Oil spill clean-up temporary structures or fill.</p> <p>--Fish/wildlife harvesting structures/fill (as defined by 33 CFR 330, App. A-4)</p> <p>--Scientific measurement devices and survey activities such as exploratory drilling, surveying or sampling.</p> <p>--Shellfish seeding (brushing the flats) projects¹¹</p> <p>--Does <u>not</u> include oil or gas exploration and fills for roads or construction pads.</p> <p>--This category excludes work in National Wildlife Refuges.</p>	<p>--Structures or work in or affecting tidal or navigable waters that are not defined under any of the previous headings. Includes, but is not limited to, utility lines, aerial transmission lines, pipelines, outfalls, boat ramps, bridge fills/abutments, etc.</p> <p>--Shellfish/finfish (other than Atlantic salmon), or other aquaculture facilities which are consistent with the Corps revised standard siting requirements and standard permit conditions dated 7/6/94, or as revised.</p>	If EIS required by Corps.

¹¹ Brushing the flats: the placement of tree boughs, wooden lath structures, or small-mesh fencing on mudflats for the purpose of enhancing recruitment of soft-shell clams (*Mya arenaria*).

WORK START NOTIFICATION FORM
(Minimum Notice: Two Weeks before Work Begins)

MAIL TO: U.S. Army Corps of Engineers, New England District
Regulatory Branch
Policy Analysis/Technical Support Section
696 Virginia Road
Concord, Massachusetts 01742-2751

A Corps of Engineers Permit (No. _____) was issued to the permittee. The permit authorized the permittee to _____

The people (e.g., contractor) listed below will do the work, and they understand the permit's conditions and limitations.

PLEASE PRINT OR TYPE

Name of Person/Firm: _____

Business Address: _____

Telephone Number: () _____ () _____

Proposed Work Dates: Start: _____ Finish: _____

PERMITTEE'S SIGNATURE: _____ **DATE:** _____

PRINTED NAME: _____ **TITLE:** _____

FOR USE BY THE CORPS OF ENGINEERS

PM: _____ Submittals Required: _____

Inspection Recommendation: _____

MITIGATION WORK-START NOTIFICATION FORM
(Minimum Notice: Two Weeks Before Mitigation Work Begins)

MAIL TO: U.S Army Corps of Engineers, New England District
Regulatory Branch
Policy Analysis/Technical Support Section
696 Virginia Road
Concord, Massachusetts 01742-2751

Corps of Engineers Permit No. () was issued to **[insert name of permittee]**. The permit authorized the permittee to **[insert brief description of the authorized work and location]**.

The permit required compensatory mitigation. **[Briefly describe the requirements, including, if applicable, submitting a final mitigation plan and monitoring reports.]**

Those listed below will do the mitigation, including monitoring and remediation if required. They understand the requirements of the permit and the mitigation and monitoring plan.

PLEASE PRINT OR TYPE

Environmental
Consultant/Scientist

Mitigation
Contractor

Name of Person/Firm: _____

Business Address: _____

Telephone Number: () _____ () _____

Proposed Mitigation Work Dates: Start _____ Finish _____

PERMITTEE'S SIGNATURE: _____ **DATE:** _____

PRINTED NAME: _____ **TITLE:** _____

Corps PMs: _____

10.17 GENERAL LAND USE STANDARDS

Section A

This section contains land use standards for the following land use activities:

1. Agricultural Management Activities
2. Clearing
3. Mineral Exploration and Extraction
4. Roads and Water Crossings
5. Timber Harvesting
6. 6. Filling and Grading
7. Motorized Recreational Gold Prospecting
8. Driveways Associated with Residential Structures and Uses

Activities not in conformance with the standards of Section 10.17, A, may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved; an applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with such standards, shall be conducted in a manner which produces no undue adverse impact upon the resource protected or neighboring uses.

The documents referenced within this Section may be obtained from the Commission's office in Augusta, or any of its regional offices.

1. AGRICULTURAL MANAGEMENT ACTIVITIES

The following requirements shall apply to agricultural management activities in all Development and Protection Subdistricts:

- a. All spreading or disposal of manure shall be accomplished in accordance with the manure best management practices, described in the publication, "Strategy for Managing Non-Point Source Pollution from Agricultural Sources and Best Management System Guidelines," developed by the Maine Non-point Source Agricultural Task Force, 1991.
- b. All disposal of waste potatoes shall be accomplished in conformance with the "Maine Guidelines for Field Disposal of Waste Potatoes" published by the University of Maine in September, 1974.
- c. c. Exposed mineral soil created by tilling of soil shall occur no closer to the normal high water mark of any standing, flowing, or tidal water than is indicated by the following table, provided, however, no portion of such exposed mineral soil on a back face shall be closer than 50 feet:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Surface of the Ground)
0	50
10	90
20	130
30	170
40	210
50	250
60	290
70	330

2. CLEARING

The following shall apply to vegetation clearing for any purpose other than road construction, road reconstruction and maintenance, wildlife or fishery management, forest management, agricultural management, public trailered ramps or hand-carry launches:

- a. A vegetative buffer strip shall be retained within:
 - (1) 50 feet of the right-of-way or similar boundary of any public roadway,
 - (2) 75 feet of the normal high water mark of any standing body of water less than 10 acres in size, or any tidal water or flowing waters draining less than 50 square miles, and
 - (3) 100 feet of the normal high water mark of a standing body of water 10 acres or greater in size or flowing water draining 50 square miles or more.
- b. Within this buffer strip, vegetation shall be maintained as follows:
 - (1) There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath is permitted, provided it does not exceed six (6) feet in width as measured between tree trunks, and, has at least one bend in its path to divert channelized runoff.
 - (2) Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other woody vegetation is maintained. No more than 30% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level, may be removed in any ten (10) year period.
 - (3) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover shall not be removed and the soil shall not be disturbed, except to provide for a footpath or other permitted use.
 - (4) Pruning of tree branches is prohibited, except on the bottom 1/3 of the tree provided that tree vitality will not be adversely affected.
 - (5) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared

openings in excess of 250 sq. ft., these openings shall be established with native tree species.

- c. At distances greater than one hundred (100) feet, horizontal distance, from the normal high water mark of a standing body of water greater than 10 acres, no more than 40% of the total volume of trees four inches or more in diameter, measured at 4 1/2 feet above ground level, may be removed in any ten (10) year period, except to allow for the development of permitted uses. In no instance shall cleared openings exceed, in the aggregate, 10,000 square feet, including land previously cleared. These provisions apply to within 250 feet of all standing bodies of water greater than ten (10) acres, and to the full depth of the P-AL zone.
- d. Cleared openings legally in existence as of June 7, 1990 may be maintained, but shall not be enlarged except as permitted by these regulations.

In all subdistricts where natural vegetation is removed within the required vegetative buffer strip of a flowing or standing body of water, tidal water, or public roadway, it shall be replaced by other vegetation (except where the area cleared is built upon) that is effective in preventing erosion and retaining natural beauty.

3. MINERAL EXPLORATION AND EXTRACTION

The following requirements for mineral exploration and extraction activities shall apply in all subdistricts except as otherwise hereinafter provided:

- a. Mineral Exploration: The following requirements shall apply to mineral exploration activities:
 - (1) All excavations, including test pits and holes, shall be promptly capped, refilled or secured by other equally effective measures so as to reasonably restore disturbed areas and to protect the public health and safety;
 - (2) Mineral exploration activities or associated access ways where the operation of machinery used in such activities results in the exposure of mineral soil, shall be located such that an unscarified filter strip of at least the width indicated below is retained between the exposed mineral soil and the normal high water mark of surface water areas:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Surface of the Ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

The provisions of this subsection (2) apply only on a face sloping toward the water, provided, however, no portion of such exposed mineral soil on a back face shall be closer than 25 feet; the provisions of this subsection do not apply where access ways cross such waters;

- (3) Except when surface waters are frozen, access ways for mineral exploration activities shall not utilize stream channels bordered by P-SL2 Protection Subdistricts except to cross the same by the shortest possible route; unless culverts or bridges are installed in accordance with Section 10.17, A, 4, b and e, such crossings shall only use channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged;
- (4) Access way approaches to stream channels shall be located and designed so as to divert water runoff from the way in order to prevent such runoff from directly entering the stream;
- (5) In addition to the foregoing minimum requirements, when conducting mineral exploration activities and creating and maintaining associated access ways, provision shall be made to effectively stabilize all area of disturbed soil so as to reasonably avoid soil erosion and sedimentation of surface waters. These measures shall include seeding and mulching if necessary to insure effective stabilization.

b. Mineral Extraction: The following requirements shall apply to mineral extraction activities in all subdistricts:

- (1) No portion of any ground area disturbed by the extraction activity on a face sloping toward the water, shall be closer to the normal high water mark of a flowing, standing, tidal body of water, or wetland identified as a P-WL1 Subdistrict than is indicated by the following table provided, however, no portion of such ground area on a back face shall be closer than 50 feet:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark or Upland Edge (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark or Upland Edge (Feet Along Surface of the Ground)
0	55
10	90
20	130
30	170
40	210
50	250
60	290
70	330

- (2) No portion of any ground area disturbed by the extraction activity shall be closer than 250 feet from any public roadway, or 250 feet from any property line in the absence of the prior written agreement of the owner of such adjoining property;

- (3) Within 250 feet of any water body the extraction area shall be protected from soil erosion by ditches, sedimentation basins, dikes, dams, or such other control devices which are effective in preventing sediments from being eroded or deposited into such water body.

Any such control device shall be deemed part of the extraction area for the purposes of Subsection (1), above;

- (4) A natural vegetative screen of not less than 50 feet in width shall be retained from any facility intended primarily for public use, excluding privately owned roads; and
- (5) If any mineral extraction operation located within 250 feet of any property line or public roadway or facility intended primarily for public use, excluding privately owned roads, is to be terminated or suspended for a period of one year or more, the site shall be rehabilitated by grading the soil to a slope of 2 horizontal to 1 vertical, or flatter.

4. ROADS AND WATER CROSSINGS

The following road and water crossing requirements shall apply to such activities in P-WL1, P-WL2, P-SL, P-FP, P-GP Protection and all Development Subdistricts:

a. The following requirements shall apply to construction and maintenance of roads:

- (1) All cut or fill banks and areas of exposed mineral soil outside the roadbed within 75 feet of a flowing, standing or tidal body of water or a wetland shall be revegetated or otherwise stabilized so as to prevent erosion and sedimentation of water bodies or wetlands;
- (2) Road banks shall have a slope no steeper than 2 horizontal to 1 vertical;
- (3) Drainage ditches shall be provided so as to effectively control water entering and leaving the road area. Such drainage ditches will be properly stabilized so that the potential for unreasonable erosion does not exist;
- (4) In order to prevent road surface drainage from directly entering water bodies or wetlands, roads and their associated drainage ditches shall be located, constructed, and maintained so as to provide an unscarified filter strip, of at least the width indicated below, between the exposed mineral soil of the road and the normal high water mark of a surface water body or upland edge of a wetland:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Surface of the Ground)
0	25
10	45
20	65
30	85
40	105

50
60
70

125
145
165

This requirement shall not apply to road approaches to water crossings or wetlands.

- (5) Drainage ditches for roads approaching a water crossing or wetland shall be designed, constructed, and maintained to empty into an unscarified filter strip, of at least the width indicated in the table set forth in subsection (4) above, between the outflow point of the ditch and the normal high water mark of the water or the upland edge of a wetland. Where such filter strip is impracticable, appropriate techniques shall be used to reasonably avoid sedimentation of the water body or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed so as to reasonably avoid sedimentation of the water body or wetland;
- (6) Ditch relief (cross drainage) culverts, drainage dips and water turnouts will be installed in a manner effective in getting drainage onto unscarified filter strips before the flow in the road or its drainage ditches gains sufficient volume or head to erode the road or ditch.
- (a) Drainage dips may be used in place of ditch relief culverts only where the road grade is 10% or less;
- (b) On roads having slopes greater than 10%, ditch relief culverts shall be placed across the road at approximately a 30 degree angle downslope from a line perpendicular to the center line of the road;
- (c) Ditch relief culverts, drainage dips and water turnouts shall direct drainage onto unscarified filter strips as required in paragraph (4) and (5) above;
- (d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials; and
- (e) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

Road Grade Percent	Spacing Feet
0-2	500-300
3-5	250-180
6-10	167-140
11-15	136-127
16-20	125-120
21+	100

- b. The following requirements shall apply to water crossings when surface waters are unfrozen:
- (1) Bridges and culverts shall be installed and maintained to provide an opening sufficient in size and structure to accommodate 10 year frequency water flows or with a cross-sectional area at least equal to 2 1/2 times the cross-sectional area of the stream channel.
 - (2) Culvert and bridge sizes may be smaller than provided in paragraph (1) if techniques are employed such that in the event of culvert or bridge failure, the natural course of water flow is reasonably maintained and sedimentation of the water body is reasonably avoided; such techniques may include, but are not limited to, the effective use of any or all of the following:
 - (a) removing culverts prior to the onset of frozen ground conditions;
 - (b) using water bars in conjunction with culverts; or
 - (c) using road dips in conjunction with culverts.
 - (3) Culverts utilized in water crossings shall:
 - (a) be installed at or below stream bed elevation;
 - (b) be seated on firm ground;
 - (c) have soil compacted at least halfway up the side of the culvert;
 - (d) be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and
 - (e) have a headwall at the inlet end which is adequately stabilized by rip-rap or other suitable means to reasonably avoid erosion of material around the culvert.
- c. The design and construction of land management road systems through wetlands, other than those areas below the normal high water mark of standing or flowing waters, must avoid wetlands unless there are no reasonable alternatives, and must maintain the existing hydrology of wetlands.

To maintain the existing hydrology of wetlands, road drainage designs shall provide cross drainage of the water on the surface and in the top 12 inches of soil in wetlands during both flooded and low water conditions so as to neither create permanent changes in wetland water levels nor alter wetland drainage patterns. This shall be accomplished through the incorporation of culverts or porous layers at appropriate levels in the road fill to pass water at its normal level through the road corridor. Where culverts or other cross-drainage structures are not used, all fills shall consist of free draining granular material.

To accomplish the above, the following requirements apply:

- (1) Road construction on mineral soils or those with surface organic layers up to 4 feet in thickness:
 - (a) Fill may be placed directly on the organic surface compressing or displacing the organic material until equilibrium is reached. With this method, culverts or other cross-drainage structures are used instead of porous layers to move surface and subsurface flows through the road fill material.

- (i) For road construction on mineral soils or those with surface organic layers less than 16 inches in thickness, culverts or other cross-drainage structures shall be appropriately sized and placed at each end of each wetland crossing and at the lowest elevation on the road centerline with additional culverts at intermediate low points as necessary to provide adequate cross drainage. Culverts or other cross-drainage structures shall be placed at maximum intervals of 300 feet;
 - (ii) For road construction on surface organic layers in excess of 16 inches but less than 4 feet in thickness, cross drainage must be provided by placing culverts at each end of each wetland crossing and at the lowest elevation on the road centerline with additional culverts at intermediate low points as necessary to provide adequate cross drainage. Culverts or other cross-drainage structures shall be placed at maximum 300-foot intervals. Culverts shall be a minimum of 24 inches in diameter, or the functional equivalent, and buried halfway below the soil surface.
 - (iii) Where necessary to maintain existing water flows and levels in wetlands, ditches parallel to the road centerline shall be constructed along the toe of the fill to collect surface and subsurface water, carry it through the culvert(s) and redistribute it on the other side. Unditched breaks shall be left midway between culverts to prevent channelization.
 - (b) Alternatively, a porous layer may be created to move surface and subsurface flows through the road fill materials. If a porous layer is used, geotextile fabric must be placed above and below fill material to increase the bearing strength of the road and to preserve the bearing strength of fill material by preventing contamination with fine soil particles.
- (2) Road construction on soils with organic layers in excess of 4 feet in thickness:
- (a) Such construction shall only take place under frozen ground conditions.
 - (b) Geotextile fabric shall be placed directly on the soil surface. Road fill or log corduroy shall then be placed on the geotextile fabric.
 - (c) Cross drainage shall be provided by either a continuous porous layer or appropriate placement of culverts or other cross-drainage structures and ditching as specified below:
 - (i) A continuous porous layer or layers shall be constructed by placement of one or more layers of wood corduroy and/or large stone or chunkwood separated from adjacent fill layers by geotextile fabric placed above and below the porous layer(s) such that continuous cross drainage is provided in the top 12 inches of the organic layer; or
 - (ii) Cross drainage culverts or other cross-drainage structures shall be placed at points where they will receive the greatest support. Culverts or other cross-drainage structures shall be a minimum of 24 inches in diameter, or the functional equivalent, and buried halfway below the soil surface. Where necessary to maintain existing water flows and levels in wetlands, ditches parallel to the roadbed on both sides shall be used to collect surface and subsurface water, carry it through the culvert(s) and redistribute it on the other side. Such ditches shall be located three times the

depth of the organic layer from the edge of the road fill. Unditched breaks shall be left midway between culverts to prevent channelization.

- d. Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads shall be maintained on a regular basis to assure effective functioning.
- e. Maintenance of the above required water control installations shall continue until the road is discontinued and put to bed by taking the following actions:

(1) Water bars shall

- (a) be constructed and maintained across the road at intervals established below:

Road Grade Percent	Distance Between Water Bars Feet
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

- (b) be constructed at approximately 30 degrees downslope from the line perpendicular to the center line of the road;
- (c) be constructed so as to reasonably avoid surface water flowing over or under the water bar; and
- (d) extend sufficient distance beyond the traveled way so that water does not reenter the road surface.

(2) Any bridge or water crossing culvert in such road shall satisfy one of the following requirements:

- (a) it shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;
- (b) it shall be designed to provide an opening with a cross-sectional area at least 3 1/2 times the cross-sectional area of the stream channel; or
- (c) it shall be dismantled and removed in a fashion so as to reasonably avoid sedimentation of the water body.

- f. Provided they are properly applied and used for circumstances for which they are designed, methods including but not limited to the following are acceptable to the Commission as means of calculating the 10 and 25 year frequency water flows and thereby determining crossing sizes as required in paragraphs b and e of this Section:

- (a) The USDA Soil Conservation Service (SCS) Methods; specifically: "Urban Hydrology for Small Watersheds," June 1986 Soil Conservation Service Technical Release #55.

(b) The United States Geological Survey (USGS) Methods; specifically: U.S. Geological Survey. 1975. "A Technique for Estimating the Magnitude and Frequency of Floods in Maine." Open- file Report 75-292.

- g. Extension, enlargement or resumption of use of presently existing roads, which are not in conformity with the provisions of this Section, are subject to the provisions of Section 10.11 of this chapter.
- h. Publicly owned roads may be constructed in a fashion that is not in strict conformity with the provisions of this section, provided that other measures are applied that are effective in reasonably avoiding sedimentation of surface waters.
- i. Except that subsection j below always applies, trail crossings of minor flowing waters shall be exempt from the standards of this section, provided such crossings are constructed in a manner that causes no disturbance to the stream bed, and no substantial disturbance to the banks or shoreland areas in the vicinity of the crossing, and provided such crossings do not impede the flow of water or the passage of fish. If properly undertaken, acceptable methods may include but not be limited to the laying of logs from bank to bank, or placement of bed logs and stringers with decking. This exemption shall not extend to the construction of abutments or piers.

Trail crossings not so exempted shall be subject to the water crossing standards of this section, including specifically subsections 10.17, A, 4, b, d, e, f, j and k.

- j. In addition to the foregoing minimum requirements, provision shall otherwise be made in the construction and maintenance of roads and water crossings in order to reasonably avoid sedimentation of surface waters.
- i. Written notice of all road and water crossing construction activities, except level A road projects and exempt trail crossings as provided in subsection i above, shall be given to the Commission prior to the commencement of such activities. Such notice shall conform to the requirements of Section 10.20 of this chapter and shall state the manner in which the water crossing size requirements of this section will be satisfied.

5. TIMBER HARVESTING

The following requirements apply to timber harvesting within all Development and Protection Subdistricts except as otherwise hereinafter provided:

- a. Except when surface waters are frozen, skid trails and skid roads shall not utilize stream channels bordered by a P-SL1 Protection Subdistrict except to cross such channels with a culvert or bridge according to the water crossing requirements of Section 10.17, A, 4, b and e;
- b. Timber harvesting operations in P-SL1 and P-GP Protection Subdistricts shall be conducted in the following manner:
 - (1) Within 50 feet of the normal high water mark, no clearcutting shall be allowed and harvesting operations shall be conducted in such a manner that a well-distributed stand of trees is retained so as to maintain the aesthetic and recreational value and water quality of the area and to reasonably avoid sedimentation of surface waters.
 - (2) At distances greater than 50 feet from the normal high water mark, harvesting activities may not create single openings greater than 14,000 square feet in the forest canopy. In such areas single canopy openings of over 10,000 square feet shall be no closer than 100 feet apart.
 - (3) Harvesting shall not remove, in any ten year period, more than 40 percent of the volume on each acre involved of trees 6 inches in diameter and larger measured at 4 1/2 feet above ground level. Removal of trees less than 6 inches in diameter, measured as above is permitted if otherwise in conformance with these regulations. For the purpose of these standards, volume may be determined as being equivalent to basal area.
 - (4) No accumulation of slash shall be left within 50 ft. of the normal high water mark of surface water protected by the P-SL1 and P-GP Protection Subdistricts. In such subdistricts, at distances greater than 50 ft. from the normal high water mark of such waters, all slash larger than 3 inches in diameter shall be disposed of in such a manner that no part thereof extends more than 4 ft. above the ground.
- c. Except as provided in subsection g of this section, skid trails and other sites, where the operation of machinery used in timber harvesting results in the exposure of mineral soil, shall be located such that an unscarified filter strip of at least the width indicated below is retained between the exposed mineral soil and the normal high water mark of surface water areas:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Surface of the Ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145

The provisions of this subsection c apply only on a face sloping toward the water, provided, however, no portion of such exposed mineral soil on a back face shall be closer than 25 feet; the provisions of this subsection c do not apply where skid roads cross such waters;

- d. Timber harvesting operations shall be conducted in such a manner that slash is not left below the normal high water mark of standing or tidal waters, or below the normal high water mark of stream channels downstream from the point where such channels drain 300 acres or more;
- e. Except when surface waters are frozen, skid trails and skid roads shall not utilize stream channels bordered by P-SL2 Protection Subdistricts except to cross the same by the shortest possible route; unless culverts or bridges are installed in accordance with Section 10.17, A, 4, b and e, such crossings shall only use channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged. The requirements of this subsection e may be modified according to the provisions of subsection g of this section;
- f. Except as provided in subsection g of this section, skid trail and skid road approaches to stream channels shall be located and designed so as to divert water runoff from the trail or road in order to prevent such runoff from directly entering the stream;
- g. Timber harvesting operations in P-SL2 Protection Subdistricts along stream channels upstream from the point where they drain 300 acres or less, and in P-WL Protection Subdistricts adjacent to such P-SL2 Protection Subdistricts, may be conducted in a manner not in conformity with the requirements of the foregoing subsections c, e, and f provided that such operations are conducted so as to avoid the occurrence of sedimentation of water in excess of 25 Jackson Turbidity Units as measurable at the point where such stream channel drains 1 square mile or more. Jackson Turbidity Units are a standard measurement of the relative amount of light that will pass through a sample of water compared with the amount of light that will pass through a reference suspension; the Jackson Turbidity Unit measurement for water without turbidity is 0;
- h. Harvesting operations in P-SL2 Protection Subdistricts along stream channels downstream from the point where they drain 300 acres or more and along standing bodies of water shall be conducted in such a manner that sufficient vegetation is retained to maintain shading of the surface waters;
- i. Written notice of all timber harvesting operations shall be given to the Commission prior to the commencement of such activity. Such notice shall conform to the requirements of Section 10.20 of this chapter and shall state whether or not such operations will be conducted according to the provisions of subsection g of this section; and
- j. In addition to the foregoing minimum requirements, except as provided for in subsection g, provision shall otherwise be made in conducting timber harvesting operations in order to reasonably avoid sedimentation of surface waters.

6. FILLING AND GRADING

The following requirements for filling and grading shall apply in all subdistricts except as otherwise provided herein. The purpose of this section is to allow minor filling and/or grading of land without a permit, provided the performance standards set forth below are met. If the standards are not met, a permit is required.

These standards do not apply to filling or grading activities which constitute forest or agricultural management activities, the construction, reconstruction and maintenance of roads, or the construction of public trailered ramps, hand-carry launches, or driveways. Such activities are separately regulated.

- a. Within 250 feet of water bodies and wetlands, the maximum size of a filled or graded area, on any single lot or parcel, shall be 5,000 square feet. This shall include all areas of mineral soil disturbed by the filling or grading activity; and
- b. Beyond 250 feet from water bodies, the maximum size of filled or graded areas, as described above, shall be 20,000 square feet, except that there shall be no limit to the size of filled or graded areas in M-GN General Management Subdistricts which are greater than 250 feet from water bodies and wetlands. In such General Management Subdistrict areas, the provisions of subsections 4 and 6 of this section shall apply; and
- c. Clearing of areas to be filled or graded is subject to the Clearing Standards of Section 10.17, A, 2; and
- d. Imported fill material to be placed within 250 feet of water bodies shall not contain debris, trash, rubbish or hazardous or toxic materials. All fill, regardless of where placed, shall be free of hazardous or toxic materials; and
- e. Where filled or graded areas are in the vicinity of water bodies or wetlands such filled or graded areas shall not extend closer to the normal high water mark of surface water bodies or upland edge of wetlands identified as P-WL1 Subdistrict than the distance indicated in the following table:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark or Upland Edge (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark or Upland Edge (Feet Along Surface of the Ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

- f. All filled or graded areas shall be promptly stabilized to prevent erosion and sedimentation.

Filled or graded areas, including all areas of disturbed soil, within 250 feet of water bodies and wetlands, shall be stabilized according to the Guidelines for Soil Stabilization contained in Appendix B of this chapter.

7. MOTORIZED RECREATIONAL GOLD PROSPECTING

- a. Motorized recreational gold prospecting may only be performed from June 15 to September 15, and only with written permission of the landowner(s).
- b. The activity must not cause an undue adverse effect on natural resources. The area must be kept free of litter, trash, and any other materials that may constitute a hazardous or nuisance condition.
- c. Limitations on Equipment:
 - (1) Equipment must not have any fuel, oil, or hydraulic leaks, nor cause any other unlicensed discharge.
 - (2) Power Limit: Motorized equipment must not exceed six horsepower.
 - (3) Nozzle Diameter: The inside diameter of a suction dredge intake nozzle must not exceed four inches.
 - (4) Sluice Size: The area of a sluice must not exceed ten square feet.
 - (5) Use of a flume to transport water outside of a stream channel is prohibited.
- d. Prohibition of Chemicals: Use of mercury, nitric acid or other chemicals for extraction is prohibited.
- e. Specific Restrictions on Methods of Operation:
 - (1) No motorized recreational gold prospecting may occur in a manner that:
 - (a) disturbs a stream bank, including but not limited to digging into the bank, or dredging or altering water flow within a stream channel in a manner that causes the bank to erode or collapse.
 - (b) removes or damages vegetation, or woody debris such as root wads, stumps or logs within a stream channel, on the bank, or on nearby upland, including cutting or abrasion of trees.
 - (c) diverts, dams, or otherwise obstructs a stream.
 - (d) deposits soil, rocks, or any other foreign material from outside of the channel into a stream.
 - (e) deposits stream bottom sediments or rocks onto the bank or upland.
 - (2) Upon completion of one or more consecutive days of prospecting, dredge spoils must be smoothed out and dredge holes refilled below the normal high water mark of the stream in order to restore the approximate original contours of the stream bottom and must not deflect the current.
- f. Closed Areas: Motorized recreational gold prospecting is prohibited within the following areas.
 - (1) Stream channels narrower than four feet wide.

- (2) Any area designated as Essential Wildlife Habitat by the Maine Department of Inland Fisheries and Wildlife (MDIFW) unless it is determined by MDIFW that (i) there will be no significant harm to the Essential Wildlife Habitat and (ii) the activity will not violate protection guidelines adopted pursuant to the Maine Endangered Species Act.
- (3) The Allagash Wilderness Waterway and all waterbodies within 800 feet of normal high water mark of the watercourse.
- (4) Aroostook County
 - (a) Aroostook River: T9 R5 WELS, T9 R7 WELS, T9 R8 WELS, Oxbow Plt., T10 R6 WELS.
 - (b) St. Croix Stream: St. Croix Twp., T9 R5 WELS.
 - (c) (Big) Machias River: T12 R8 WELS, T11 R8 WELS, T11 R7 WELS, T10 R7 WELS, Garfield Plt.
 - (d) Musquacook Stream: T11 R11 WELS, T12 R11 WELS, T13 R11 WELS, T13 R12 WELS.
 - (e) Allagash River and all waterbodies within 800 feet of normal high water mark of the watercourse: T11 R13 WELS, T12 R13 WELS, T13 R12 WELS, T13 R13 WELS, T14 R11 WELS, T14 R12 WELS, T15 R10 WELS, T15 R11 WELS.
 - (f) Chemquasabamticook Stream: T11 R13 WELS, T11 R14 WELS, T11 R15 WELS, T12 R13 WELS.
 - (g) St. John River: T11 R16 WELS, T12 R15 WELS, T12 R16 WELS, T13 R14 WELS, T13 R15 WELS, T14 R13 WELS, T14 R14 WELS, T15 R13 WELS, T16 R12 WELS, T16 R13 WELS, surrounding Hunnewell Island in St. John Plt., Hamlin.
 - (h) Northwest Branch St. John River downstream from outlet of Beaver Pond: T11 R17 WELS, T12 R17 WELS.
 - (i) Big Black River: T14 R14 WELS, T14 R15 WELS, T14 R16 WELS, T15 R13 WELS, T15 R14 WELS.
 - (j) Fish River from Mud Pond to St. Froid Lake: T13 R8 WELS, T14 R8 WELS, T14 R7 WELS, T13 R7 WELS, T14 R6 WELS.
 - (k) Smith Brook: T13 R8 WELS, T14 R8 WELS.
 - (j) Red River: T14 R8 WELS.
 - (k) McLean Brook: T17 R4 WELS.
 - (l) Macwahoc Stream: Macwahoc Plt., North Yarmouth Academy Grant, Upper Molunkus Twp.
 - (m) Molunkus Stream: Macwahoc Plt., North Yarmouth Academy Grant, T1 R 5 WELS, Benedicta Twp., Silver Ridge Twp.
 - (n) Mattawamkeag River: Reed Plt.
 - (o) East Branch Mattawamkeag River: Forkstown Twp., T3 R3 WELS, T4 R3 WELS.
 - (p) West Branch Mattawamkeag River: T3 R3 WELS, T4 R3 WELS.
 - (q) Wytopotlock Stream: Reed Plt., Upper Molunkus Twp., T2 R4 WELS, Glenwood Plt., T3 R4 WELS.
 - (r) Goddard Brook: T15 R5 WELS.
 - (s) Unnamed stream connecting Cross Lake and Square Lake: Square Lake Twp.
 - (t) Unnamed stream flowing east into Square Lake at Goddard Cove: Square Lake Twp.
 - (u) Unnamed stream flowing northeast into Square Lake one mile northwest of Limestone Pt.: Square Lake Twp.

(5) Franklin County

- (a) Moose River downstream from Number One Brook: Beattie Twp., Lowelltown Twp.
- (b) Kennebago River and its tributaries: Davis Twp., Stetsontown Twp., Seven Ponds Twp., Chain of Ponds Twp., Massachusetts Gore, Tim Pond Twp.
- (c) Cupsuptic River tributaries: Seven Ponds Twp.
- (d) Spencer Stream: Kibby Twp., Skinner Twp.
- (e) North Branch Dead River: Jim Pond Twp.
- (f) Sandy River: Sandy River Plt., Township E.
- (g) West Branch Carrabassett River: Freeman Twp., Salem Twp.
- (h) Carrabassett River, Main Stem: Mount Abram Twp.

- (6) Hancock County
 - (a) The following townships in their entirety: T9 SD, T10 SD, T16 MD, T22 MD, T28 MD, T34 MD, T35 MD, T41 MD, T4 ND.
 - (b) Passadumkeag River: T3 ND.
- (7) Kennebec County
 - (a) Sebasticook River: Unity Twp.
- (8) Oxford County
 - (a) Cupsuptic River and its tributaries: Lower Cupsuptic Twp., Upper Cupsuptic Twp., Oxbow Twp., Parkertown Twp., Lynchtown Twp.
 - (b) Kennebago River and its tributaries: Lower Cupsuptic Twp., Upper Cupsuptic Twp., Oxbow Twp.
 - (c) Rapid River: Magalloway Twp.
 - (d) Bear River: Grafton Twp.
- (9) Penobscot County
 - (a) East Branch Penobscot River: Grindstone Twp., Soldiertown Twp., T3 R7 WELS, T4 R7 WELS, T4 R8 WELS, T5 R8 WELS, T6 R8 WELS.
 - (b) Wassataquoik Stream: T4 R8 WELS, T3 R7 WELS, T3 R8 WELS.
 - (c) Seboeis River: T3 R7 WELS, T4 R7 WELS, T5 R7 WELS, T6 R7 WELS, T7 R7 WELS.
 - (d) Sawtelle Brook: T6 R7 WELS.
 - (e) Munsungan Stream: T8 R8 WELS.
 - (f) Millinocket Stream: T8 R8 WELS.
 - (g) Aroostook River: T8 R8 WELS.
 - (h) Ayers Brook: Summit Twp.
 - (i) Madagascal Stream: Grand Falls Twp.
 - (j) Mattagodus Stream: Kingman Twp., Webster Plt., Prentiss Twp., Carroll Plt.
 - (k) Mattawamkeag River: Kingman Twp., Drew Plt.
 - (l) Molunkus Stream: Kingman Twp.
 - (m) Wytopotlock Stream: Drew Plt.
 - (n) Passadumkeag River: Summit Twp., Grand Falls Twp., T3 R1 NBPP, Lakeville.
 - (o) Penobscot River: Argyle Twp., Mattamiscontis Twp., T2 R8 NWP.
 - (p) West Branch Penobscot River: TA R7 WELS, T3 Indian Purchase, T4 Indian Purchase.
 - (q) Millinocket Stream: T3 Indian Purchase, T1 R8 WELS.
- (10) Piscataquis County
 - (a) East Branch Pleasant River: T5 R9 NWP.
 - (b) West Branch Pleasant River: Shawtown Twp., Beaver Cove, Bowdoin College Grant East, Katahdin Iron Works Twp., Williamsburg Twp.
 - (c) West Branch Penobscot River: T1 R9 WELS, T2 R9 WELS, T2 R10 WELS, T3 R11 WELS.
 - (d) Allagash River and all waterbodies within 800 feet of normal high water mark of the watercourse: T10 R12 WELS, T10 R13 WELS.
 - (e) Allagash Stream and all waterbodies within 800 feet of normal high water mark of the watercourse: Eagle Lake Twp., T8 R14 WELS.
 - (f) Webster Brook: T6 R11 WELS.
 - (g) Millinocket Stream: T7 R9 WELS.
 - (h) Munsungan Stream: T8 R9 WELS.
 - (i) Chemquasabamticook Stream: T10 R15 WELS.

- (j) Stream between Lower Portage Pond and Spider Lake: T9 R11 WELS.
 - (k) Stream in wetland on south end of Churchill Lake: T9 R12 WELS.
 - (l) Stream between Webster Lake and Telos Pond and all waterbodies within 800 feet of normal high water mark of the watercourse: T6 R11 WELS.
 - (l) Kennebec River: Big Squaw Twp.
 - (m) East Branch Piscataquis River: Blanchard Twp.
 - (n) West Branch Piscataquis River: Blanchard Twp.
- (11) Somerset County
- (a) Dead River: Pierce Pond Twp., T3 R4 BKP WKR, Bowtown Twp., West Forks Plt.
 - (b) Spencer Stream and Little Spencer Stream: T3 R4 BKP WKR, T3 R5 BKP WKR, King and Bartlett Twp., T5 R6 BKP WKR.
 - (c) Kennebec River above junction with Dead River: West Forks Plt., Moxie Gore, Chase Stream Twp., Indian Stream Twp., Sapling Twp., Taunton & Raynham Academy Grant Twp.
 - (d) Moxie Stream: Moxie Gore.
 - (e) Parlin Stream: Parlin Pond Twp.
 - (f) Doucie Brook: T9 R17 WELS.(g) Gulliver Brook: Plymouth Twp.
 - (h) Moose River: Holeb Twp., Attean Twp., T5 R7 BKP WKR, Bradstreet Twp.
 - (i) Cold Stream: West Forks Plt., Johnson Mountain Twp.
 - (j) Baker Branch St. John River: T9 R17 WELS, T8 R17 WELS, T7 R17 WELS.
 - (k) Southwest Branch St. John River: T9 R17 WELS, Big Ten Twp.
 - (l) Northwest Branch St. John River: Big Ten Twp.
 - (m) St. John River: Big Ten Twp., R10 T16 WELS, T9 R17 WELS.
- (12) Washington County
- (a) The following townships and town in their entirety: T18 MD BPP, T19 MD BPP, T24 MD BPP, T25 MD BPP, T30 MD BPP, T31 MD BPP, T36 MD BPP, T37 MD BPP, T42 MD BPP, T43 MD BPP, T5 ND BPP, No. 14 Twp., No. 21 Twp., T18 ED BPP, T19 ED BPP, T26 ED BPP, T27 ED BPP, Devereaux Twp., Marion Twp. Edmunds Twp., Baring.
 - (b) Tomah Stream: Forest Twp., Codyville Plt., Lambert Lake Twp.
 - (c) Baskahegan Stream: Brookton Twp.
 - (d) St. Croix River: Fowler Twp., Dyer Twp., Lambert Lake Twp.

8. DRIVEWAYS ASSOCIATED WITH RESIDENTIAL STRUCTURES AND USES

- a. Applicability: The following requirements apply to the construction of driveways for single family and two family dwelling units in all subdistricts where driveways associated with residential uses are allowed without a permit. These standards may be used as guidance in processing an application for driveways to be located in those subdistricts where driveways require a permit from the Commission.
 - (1) Other Permits: If a permit has been issued for the development of the lot to be served by the driveway or if the lot is part of a subdivision for which a permit has been issued, conditions of the building permit or subdivision permit regarding construction of driveways supersede provisions of this subsection.

- (2) Length: If the length of a proposed driveway is greater than 1000 feet, it is regulated as a road and requires a permit from the Commission unless it qualifies as a land management road.

b. Waterbody Setback:

- (1) Minimum Setback: The minimum water body setback for a driveway which accesses an undeveloped lot or a lot having residential structures is:
 - (a) 100 feet from the nearest shoreline of a flowing water draining 50 square miles, and a body of standing water greater than 10 acres in size;
 - (b) 75 feet from the nearest shoreline of a tidal water; and
 - (c) 50 feet from the upland edge of minor flowing waters and mapped P-WL1 wetlands.
- (2) Exceptions to Waterbody and Wetland Setback Requirements:
 - (a) The water body and wetland setback requirements do not apply to approaches to waterbody or wetland crossings.
 - (b) A lesser setback may be allowed with a permit in the following instances provided no other reasonable alternative exists and appropriate techniques are used as needed to prevent sedimentation of the waterbody:
 - (i) In the case of legally existing nonconforming structures located in the shoreland area, the driveway may extend to the portion of the principal structure farthest from the normal high water mark of the waterbody, but in no case closer than 50 feet from the normal high water mark of the waterbody; or
 - (ii) To allow access to permitted facilities located nearer to the shoreline due to an operational necessity as described in Section 10.17,B,1,g,(5).

c. c. Property Line Setback:

- (1) Minimum Setback: The minimum property line setback for a driveway is 15 feet.
- (2) Exceptions to Property Line Setback:
 - (a) A shared driveway need not meet the minimum setback.
 - (b) The minimum setback standard does not apply to authorized approaches to and crossings of property lines or to crossings along easements or rights of way established in deed or lease.
 - (c) A lesser setback may be allowed with a permit upon written permission of the abutting landowner.

d. Road Frontage: The lot to be served by the driveway must have a minimum of 100 feet of road frontage.

e. Entry onto Roadways, including State Highways: The entry must not be located on a curve and must be placed so as to allow adequate line of sight for safe entry onto the roadway. If a driveway is to enter directly onto a state or state-aid highway, the person wishing to construct the driveway must first obtain written permission from the Maine Department of Transportation.

- f. Crossings of Flowing Waters: If a driveway will cross a flowing water, the crossing must be accomplished in accordance with the standards for installation of water crossings set forth in Section 10.17,A,4,b.
- g. Wetlands Alteration: The driveway must not alter any portion of a mapped P-WL1 Wetland Protection Subdistrict or more than 4,300 square feet of a mapped P-WL2 or P-WL3 Wetland Protection Subdistrict without a permit.
- h. Maximum Slope: The driveway must not have a sustained slope of more than 8%.
- i. Erosion and Sedimentation Control:
 - (1) The driveway must be located, designed and constructed so that:
 - (a) (a) It will not erode or create any undue restriction or disruption of existing surface water drainage ways;
 - (b) (b) It will divert runoff to a vegetated buffer strip so as to prevent it from directly entering a water body, mapped P-WL1 wetland, or roadway.
 - (2) Except for the travel surface of the driveway, all areas of disturbed soil must be promptly reseeded and mulched to prevent soil erosion.
- j. Fill Material: Fill material used in the construction of a driveway must not contain demolition debris, trash, rubbish, or hazardous or toxic materials.

Section B, General Land Use Standards

This Section contains land use standards covering the following activities and subjects:

1. Dimensional Requirements
2. Pesticide Application
3. Signs
4. Subsurface Waste Water Disposal
5. Water Impoundments
6. Trailered Ramps, Hand-carry Launches, Water-access Ways and Permanent Docking Facilities
7. Wetland Alterations
8. Service Drops
9. Subdivision and Lot Creation
10. Home Occupations in Prospectively Zoned Areas
11. Development Standards for D-GN, D-GN2, D-GN3, D-RS, D-RS2, D-RS3, D-ES, D-CI, and P-GP2 Subdistricts in Prospectively Zoned Areas

Except as hereinafter provided, activities not in conformance with the standards of Section 10.17,B are prohibited.

1. DIMENSIONAL REQUIREMENTS

The following dimensional requirements apply to all lots on which structural development is proposed unless otherwise provided by subsection g:

a. Minimum Lot Size

(1) Residential Uses

The minimum lot size for residential uses is 40,000 square feet per dwelling unit except where each dwelling unit is to use a common or community sewer and not on-site subsurface waste water disposal, the minimum lot size shall be 20,000 square feet per dwelling unit.

(2) Commercial, industrial, and other nonresidential uses

The minimum lot size for commercial, industrial, and other nonresidential uses involving one or more buildings is 40,000 square feet.

b. Minimum Shoreline Frontage

(1) For lots fronting on a flowing water draining more than 2 square miles but less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, the minimum shoreline frontage shall be:

(a) 150 feet per dwelling unit for residential uses, and

(b) 200 feet for commercial, industrial, and other non-residential uses involving one or more buildings;

- (2) For lots fronting on a body of flowing water draining 50 square miles or more or a body of standing water 10 acres or greater in size, the minimum shoreline frontage shall be:
 - (a) 200 feet per dwelling unit for residential uses, and
 - (b) 300 feet for commercial, industrial, and other non-residential uses involving one or more buildings.
- (3) In the case of a lot which borders more than one water body, the shoreline frontage requirement must be met on each water body bordered by the lot.
- (4) Frontage shall be measured in a straight line between the points of intersection of side lot lines with the normal high water mark of the shoreline.
- (5) The shoreline frontage may be waived to no less than 200 feet for public boat launches where the applicant demonstrates there will be no undue adverse impact to surrounding uses.

c. Minimum Road Frontage

- (1) Except as provided for in subsection (6), below, the minimum road frontage shall be:
 - (a) 100 feet per dwelling unit for residential uses, and
 - (b) 200 feet for commercial, industrial, and other non-residential uses involving one or more buildings;
- (2) These requirements apply to any privately or publicly owned road that is used for public access, including roads used by the public for which a toll is paid.
- (3) Where the lot is located at the end of a road or on a circular turnaround with an outside diameter of less than 25 feet, the road frontage requirements shall not apply.
- (4) Frontage shall be measured along the traveled portion of the road between the points of intersection of side lot lines with the traveled portion of the road.
- (5) In the case of a lot which borders more than one road, the road frontage requirement must be met on at least one road bordered by the lot.

(6) Flexible Road Frontage Requirements In Prospectively Zoned Areas

- (a) Except on state or state-aid highways, road frontage requirements for commercial and residential development in the D-GN, D-GN2, D-GN3, D-RS, and D-RS2 may be reduced below those listed above in order to allow the proposed development to conform with the prevailing frontage in its immediate vicinity. The prevailing frontage is the average frontage of those lots within 500 feet on either side of the subject parcel.
- (b) Reductions in road frontage shall be approved only when they will not cause an increased risk of accidents or impact the posted speed of the road.

d. Minimum Setbacks

- (1) The minimum setbacks for structures, other than those described in Subsection 10.17,B,1,d,(2) and except as provided in Subsection 10.17,B,1,g are:
 - (a) 75 feet from the nearest shoreline of a flowing water draining less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, and from the upland edge of wetlands designated as P-WL1 Protection Subdistricts;
 - (b) 100 feet from the nearest shoreline of a flowing water draining 50 square miles or more and of a body of standing water 10 acres or greater in size;
 - (c) 50 feet from the traveled portion of all roadways except as provided for in subsection (d) below;
 - (d) 50 feet from the traveled portion of all roadways except as provided for in subsection (d) and (e) or subsection (5) below;
 - (e) 75 feet from the traveled portion of the following roadways: Routes 1, 2, 2A, 4, 9, 27, 163, 201, 161 from Caribou to Fort Kent, 157 in TA R7 (Penobscot County), and 6 in Orneville Township (Piscataquis County), except as provided for in subsection (5); and
 - (f) 20 feet from the traveled portion of all roadways on coastal islands; and
 - (g) 15 feet from side and rear property lines.

These setbacks also apply to parking areas for trailered ramps or hand-carry launches and those structures within a sporting camp complex constructed solely for the housing of guests.

- (2) The minimum setbacks for multi-family dwellings and commercial, industrial, and other nonresidential principal and accessory structures are:
 - (a) 100 feet from the nearest shoreline of a flowing water draining less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, and from the upland edge of wetlands designated as P-WL1 Protection Subdistricts;
 - (b) 150 feet from the nearest shoreline of a flowing water draining 50 square miles or more and a body of standing water 10 acres or greater in size;
 - (c) 75 feet from the traveled portion of the nearest roadway except as provided for in (d) below;
 - (d) 20 feet from the traveled portion of all roadways on coastal islands; and
 - (e) 25 feet from the side and rear property lines.

Except as provided for in subsection d.(1) above, these setbacks also apply to all other structures within a sporting camp complex, including, but not limited to, a main lodge, dining area, workshop and parking area.

- (3) These requirements apply to any privately or publicly owned road that is used for public access, including roads used by the public for which a toll is paid.
- (4) Campsites shall be set back such that the area designed for camping, including cleared or graded areas, fire rings, tables, and related construction, is at least 75

feet from shoreline, 50 feet from roads, and 25 feet from property lines. Remote campsites shall be set back at least 50 feet from roads, 25 feet from property lines, and 25 feet from shorelines, except that the Commission may require a greater setback from shorelines for remote campsites where necessary due to site conditions in order to avoid accelerated soil erosion or sedimentation of surface waters.

(5) Flexible Building Setbacks in Prospectively Zoned Areas

- (a) Commercial or residential development in the D-GN, D-GN2, D-GN3, D-RS, and D-RS2 subdistricts building setback distances may be less than specified in 10.17B in order to meet prevailing setbacks on adjacent properties. The prevailing setback is the average setback of those principal and accessory structures on lots within 500 feet on either side of the subject parcel.
- (b) In the D-GN, D-GN2, D-GN3, D-RS, and D-RS2 subdistricts, road setbacks for commercial buildings may be reduced to 50 feet where all parking areas are to be placed to the side or rear of the structure.
- (c) These reduced setbacks will be granted in order to maintain the existing character provided that the reduction will not adversely impact public safety.

e. Maximum Lot Coverage

- (1) Except as provided in 10.17, B, 1, e, (3) below, the maximum lot coverage shall be 30% for all uses involving one or more buildings.
- (2) "Coverage" shall be calculated by determining the percentage of lot area covered by all structures including paved driveways, sidewalks, parking lots and other impervious surfaces.

(3) Flexible Lot Coverage Requirements in Prospectively Zoned Areas Outside of the Shoreland Areas

- (a) For commercial and institutional development outside the shoreland area in the D-GN, D-GN2, D-GN3, D-RS, and D-RS2 subdistricts, that is proposed on lots of 2 acres or less, lot coverage may be increased to 50%. This waiver shall be granted in order to accommodate in-fill development or compact development patterns that promote pedestrian access and social interaction, provided there is no adverse impact on waterbodies from surface water runoff.

f. Maximum Building Height

- (1) Except as provided for in (2) and (4) below, the maximum building height shall be:
 - (a) 75 feet for residential uses; and
 - (b) 100 feet for commercial, industrial, and other non-residential uses involving one or more buildings.
- (2) Structures within 500 feet of the normal high water mark of a standing body of water 10 acres or greater shall be no higher than the screening vegetation or 25 feet, whichever is greater. The Commission may apply this provision at greater distances from the normal high water mark of standing bodies of water having

significant or outstanding scenic values where there is the likelihood that such structures would have an adverse impact on scenic values. Standing bodies of water having such scenic values are shown in Appendix C.

- (3) Features of buildings which contain no floor area such as chimneys, towers, ventilators and spires may exceed these maximum heights with the Commission's approval.

(4) Structure Height in Prospectively Zoned Areas

- (a) (a) In areas beyond 500 feet of the normal high water mark of a standing body of water 10 acres or greater, structure height in the D-GN, D-GN2, D-GN3, D-RS, D-RS2, D-RS3, D-CI, and D-ES shall be limited to 35 feet, with the exception of structures used for agricultural management, structures with no floor area, or features of buildings which contain no floor area such as chimneys, towers, ventilators, and spires.
- (b) Structures within 500 feet of the normal high water mark of a standing body of water 10 acres or greater in size shall conform to the provisions of 10.17,B,1,f,(2) above.

g. Exceptions to Dimensional Requirements

- (1) The Commission may reduce dimensional requirements for individual buildings in a cluster development, provided that, in the aggregate, dimensional requirements are met within the development. The Commission may approve a cluster development on land that could be developed under normal applicable standards provided that the cluster development provides for the efficient use of land and the protection of a significant amount of open space, in accordance with the following:
 - (a) Cluster development within the shoreland area shall provide for the protection of developable shorefront as open space through the creation of individual lots with reduced shore frontage or through clusters of dwellings on commonly-owned land. To the extent practicable, open space provided shall be in a contiguous block and shall be located adjacent to other areas protected by conservation measures or protective zoning.
 - (b) Open space shall be dedicated as a separate lot of record with no further subdivision or conversion of use of that lot allowed. Such lot shall be shown on the subdivision plat with a notation on the face thereof to indicate that no further subdivision or conversion of use is allowed.
 - (c) If any or all of the common open space is to be reserved for ownership by the residents of the subdivision, the by-laws of the proposed homeowner's association shall specify maintenance responsibilities. Such by-laws shall be submitted to the Commission as part of the subdivision application.
 - (d) To avoid unsafe conditions resulting from direct access to public roads, no individual lot or dwelling unit for which road frontage has been reduced as provided above shall have vehicular access directly onto a public road existing at the time of development.
 - (e) Notwithstanding Section 10.17,B,1,g,(1) above, the Commission may waive the provision that dimensional requirements for individual

dwelling in a cluster development be met, in the aggregate, where the following conditions are satisfied:

- i) dimensional requirements, in the aggregate, are not waived by more than 50%;
 - ii) site conditions are suitable for increased density;
 - iii) increased density would not adversely affect resources; and
 - iv) the specific benefits afforded by the cluster approach will prevent the loss of important natural features.
- (2) The dimensional requirements applicable to D-PD Development Subdistricts shall be established by the Commission pursuant to the provisions of Section 10.14, C, provided that the shoreline setback requirements hereof shall not be reduced.
- (3) Notwithstanding other provisions of these rules, in a proposed subdivision or area that has or is likely to have relatively dense development, the Commission may increase the minimum lot size when the Commission determines that:
 - (a) A larger lot size is required to provide sufficient area of suitable soil to accommodate the principal building and accessory structures, and subsurface waste water disposal, including a replacement system; and
 - (b) The density of development in the vicinity of the proposed site is likely to cause nitrate or other contaminant levels in ground water to exceed public drinking water standards at any public or private well or at the property boundary. The Commission may require a nitrate study to estimate likely nitrogen levels in ground water as part of a subdivision application.
- (4) Where development would otherwise have an undue adverse impact on existing uses, scenic character or natural and historic resources in the area likely to be affected by the proposal, the Commission may impose additional or more protective standards with respect to clearing, frontage and setback requirements, waste water disposal, and other aspects of the development to reasonably assure that undue adverse impact is avoided.
- (5) An exception may be made to the shoreline, road, and or property line setback requirements for structures where the Commission finds that such structures must be located near to the shoreline, road, or property line due to the nature of their use. Structures which must be located near to the shoreline include structures which require direct access to the water as an operational necessity, such as piers, docks, retaining walls, and structures necessary for commercial fishing activities or water dependent uses within a D-MT Maritime Development Subdistrict. This provision shall not apply to boat houses or float plane hangars not included within a D-MT Maritime Development Subdistrict.
- (6) An exception may be made to the minimum extent necessary to the shoreline frontage and lot size requirement on tidal waters for structures necessary for commercial fishing activities or water dependent uses within a D-MT Maritime Development Subdistrict where such reduction would better serve the purpose of this subdistrict.
- (7) Where development is proposed in the vicinity of a water quality limiting lake, the Commission may vary the applicable dimensional requirements in accordance with Section 10.16, D, 3, e.

- (8) To the extent consistent with 12 MRSA, Section 685-B, 4, the Commission may reduce the minimum lot size required for a structure whose sole purpose is to house a public utility facility or to function as a public utility, provided that:
- (a) the size, height, and bulk of the facility is of a scale that permits such a reduction without adverse effect on surrounding properties; and
 - (b) the facility is sited and buffered to fit harmoniously into the surrounding environment.
- (9) The Commission may apply the dimensional requirements for residential uses to single outpost camps operated by commercial sporting camps, except in cases where such a camp is likely to have a greater impact than a residential use.
- (10) Notwithstanding the provisions of Section 10.11 of this chapter, structures necessary for disabled persons to gain access to buildings may be located less than the standard setback distance from a shoreline, road and property line to the minimum extent necessary when the following criteria are met:
- (a) (a) A person with a disability as defined in 5 M.R.S.A. § 4553 resides in or regularly uses the dwelling or facility;
 - (b) The encroachment into the standard setback distance applies only to the installation of equipment or construction of structures necessary for access to or egress from the dwelling or facility by the person with the disability;
 - (c) The access structure is necessary to create an accessible route;
 - (d) The access structure cannot reasonably or feasibly be created without encroachment into the standard setback distance; and
 - (e) The design of the access structure minimizes the need for encroachment into the standard setback distance.

SUMMARY OF SHORELINE
FRONTAGE, SETBACK AND CLEARING REQUIREMENTS
FOR SINGLE FAMILY DWELLINGS

mi	Tidal, Flowing water <50 sq mi Lakes <10 ac	Lake Mgmt Class 2	Flowing water >50 sq Other lakes >10 ac
FRONTAGE	150'	200' ^a	200'
SETBACK	75'	100' ^a	100'
CLEARING FOR DEVELOPMENT	75' (30%)	100' (30%) 400' (40%)	100' (30%) 150' (40%)

^a Density limitation of an average of 1 dwelling unit per shore mile on Management Class 2 lakes.

Note: This summary of shoreline dimensional requirements is provided only as a guide to the frontage, setback, and clearing standards of Section 10.17 for single family dwellings. See text of Section 10.17 for complete requirements.

2. PESTICIDE APPLICATION

Pesticide application in any of the subdistricts will not require a permit from the Commission provided such application is in conformance with applicable State and Federal statutes and regulations.

3. SIGNS

a. On-Premise Signs

Subject to the provisions of this chapter, owners or occupants of real property may erect and maintain on-premise signs advertising the sale or lease thereof or activities being conducted thereon. Such signs, except roof signs, shall be subject to the regulations set forth below:

- (1) On-premise signs shall not exceed in size the area limitations set forth below:

<u>Subdistricts</u>	<u>Maximum Size for Each Individual Sign (sq. ft.)</u>	<u>Maximum Aggregate Area of all Signs for Facility Being Advertised (sq. ft.)</u>
D-CI, D-GN, M-GN, M-HP	32	64
D-RS, M-NC & All Protection Subdistricts	8	16

- (2) On-premise signs shall not be located more than 1,000 ft. from the building or other particular site at which the activity advertised is conducted;
- (3) Signs advertising the sale or lease of real estate by the owner or his agent shall not have an area of more than 6 sq. ft., except signs advertising a subdivision which shall be limited in size as provided by Subsection (1);
- (4) On-premise signs, other than wall or projecting signs, shall not extend more than 15 ft. above ground level, and shall not have a supporting structure which extends more than two feet above such sign;
- (5) Projecting signs must be at least 9 feet above pedestrian level and may project no more than 2 feet from the building; and
- (6) Signs attached to a wall shall not extend above the top of the wall.

On-premise signs, including all roof signs, which are not in conformance with the preceding requirements may be allowed only under the provisions of a permit from the Commission.

b. Criteria for Sign Approval

In approving, conditionally approving, or denying any application for a sign permit, the Commission shall require that the applicant demonstrate that the proposed sign complies with those criteria set forth in 12 M.R.S.A., Section 685-B(4) as well as the following:

- (1) that the sign is compatible with the overall design of the building height, color, bulk, materials and other design and occupancy elements;
- (2) that the color, configuration, height, size, and other design elements of the sign will fit harmoniously into the surrounding natural and man-made environment;
- (3) that the sign will not constitute a hazard to the flow of traffic; and
- (4) (4) that the applicant sufficiently demonstrates the need for any non-conformity with the size, height, and other limitations set forth in Section 10.17, B, 3, a.

c. Exempt Signs

The following signs are exempt from the requirements of this chapter, except as indicated in Section 10.17, B, 3, d of this chapter:

- (1) Signs identifying stops or fare zone limits of common carriers;
- (2) Signs erected and maintained outside the highway right-of-way, by a governmental body, showing places of interest (other than commercial establishments), the place and time of services or meetings of churches and civic organizations. Not more than two such signs may be erected and maintained which are readable by traffic proceeding in any one direction on any one highway in any one township;
- (3) Residential directional signs, each of which does not exceed 4 sq. ft. in area, along roadways other than limited access highways;
- (4) Traffic control signs or devices;
- (5) Signs displayed for the direction, instruction or convenience of the public, including signs which identify rest rooms, freight entrances, posted areas, property boundaries, trails, fire precautions, campsites, or the like, with a total surface area not exceeding 12 sq. ft. This exemption shall not apply to signs visible from any public roadway promoting or advertising commercial enterprises;
- (6) Signs to be maintained for not more than six weeks announcing an auction, public supper, lawn sale, campaign drive or other like event of a public, civic, philanthropic or religious organization;
- (7) Memorial signs or tablets;
- (8) Signs erected by county fairs and expositions for a period not to exceed six weeks;
- (9) Directional signs visible from a public roadway with a total surface area not to exceed 4 sq. ft. providing directions to places of business offering for sale agricultural products harvested or produced on the premises where the sale is taking place;

- (10) Signs displayed in building windows, provided that the aggregate area of such signs does not exceed 25% of the area of the window; and
- (11) Official business directional signs as defined and authorized by 23 M.R.S.A., Chapter 21.

The preceding dimensional and/or time limitations may be exceeded only under the provisions of a permit from the Commission.

d. Regulations Applying to All Signs

Notwithstanding any other provisions of this chapter, no sign may be erected or maintained visible from a public roadway which:

- (1) Interferes with, imitates or resembles any official traffic control sign, signal or device, or attempts or appears to attempt, to direct the movement of traffic;
- (2) Prevents the driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic;
- (3) Contains, includes, or is illuminated by any flashing, intermittent or moving light, moves or has any animated or moving parts, except that this restriction shall not apply to a traffic control sign;
- (4) Has any lighting, unless such lighting is shielded so as to effectively prevent beams or rays of light from being directed at any portion of the main traveled way of a roadway, or is of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with the operation thereof;
- (5) Is in violation of, or at variance with, any federal law or regulation, including, but not limited to, one containing or providing for conditions to, or affecting the allocation of federal highway or other funds to, or for the benefit of, the State or any political subdivision thereof;
- (6) Is in violation of, or at variance with, any other applicable State law or regulation;
- (7) Advertises activities which are illegal under any state or federal law applicable at the location of the sign or of the activities;
- (8) Is not clean or in good repair; or
- (9) Is not securely affixed to a substantial structure.

Any sign which is a combination of exempt and/or non-exempt signs shall be regulated by the most protective standards applicable.

4. SUBSURFACE WASTE WATER DISPOSAL

- a. No permit will be issued for a project with subsurface waste water disposal unless an acceptable plan to construct the absorption area is prepared in accordance with the Subsurface Waste Water Disposal Rules.

- b. The Commission will not require a permit for conversion from primitive to combined septic systems provided authorization is obtained from the local plumbing inspector or the Department of Human Services, Division of Health Engineering, and provided there are no limitations on combined septic systems established by prior permit conditions.

5. WATER IMPOUNDMENTS

The establishment of impoundment water levels and the maintenance of impoundments shall conform to the provisions of 38 M.R.S.A., Subchapter I, Article 3-A, Maine Dam Inspection, Registration and Abandonment Act.

6. TRAILED RAMP, HAND-CARRY LAUNCHES, WATER-ACCESS WAYS AND PERMANENT DOCKING FACILITIES

Except as provided for in section d, trailered ramps, hand-carry launches, water-access ways and permanent docking facilities require a permit from the Commission. Where a permit is required, the proposal must meet the general Criteria for Approval, section 10.13-B, and the Criteria for Wetland Alterations, section 10.17, B, 7, in addition to any applicable requirements set forth in these rules.

a. Private Trailered Ramps, Hand-carry Launches, and Water-access Ways:

Private trailered ramps are allowed by special exception in the following subdistricts: General (D-GN) and Residential (D-RS) Development Subdistricts and Aquifer (P-AR), Floodplain (P-FP), Fish and Wildlife (P-FW), Great Pond (P-GP), Shoreland (P-SL), Unusual Area (P-UA), Wetland (P-WL) and Accessible Lake (P-AL) Protection Subdistricts.

Private hand-carry launches are allowed by special exception in the following subdistricts: Fish and Wildlife (P-FW), Recreation (P-RR), Significant Wetlands (P-WL1), River Transition (P-RT), and Accessible Lake (P-AL) Protection Subdistricts.

Private water-access ways are allowed by special exception in the following subdistricts: General (D-GN) and Residential (D-RS) Development Subdistricts and Aquifer (P-AR), Floodplain (P-FP), Fish and Wildlife (P-FW), Great Pond (P-GP), Recreation (P-RR), Shoreland (P-SL), Unusual Area (P-UA), Wetland (P-WL), River Transition (P-RT), and Accessible Lake (P-AL) Protection Subdistricts.

Wherever private trailered ramps, or hand-carry launches, or water access ways are allowed by special exception, the following apply:

For a proposed private trailered ramp, hand-carry launch or set of water-access ways, the following constitutes “an alternative site reasonably available” to the applicant:

- (1) (1) an existing public or commercial trailered ramp or set of water-access ways if it has two or more associated parking spaces for motor vehicles with trailers and is located within 15 road miles or 5 miles by water of the applicant’s proposed development,
- (2) a proposed public or commercial trailered ramp or set of water-access ways located within 15 road miles or 5 miles by water of the applicant’s proposed development, provided such a facility is proposed for construction within 2 years of the date of the application.

b. Facilities Associated with Shorefront Subdivisions

Shorefront subdivisions may be permitted no more than one trailered ramp, hand-carry launch or set of water-access ways, and one permanent dock. Any such facility must comply with section 10.17,B,6,e, and must be accessible to all lots in the subdivision. The location of the facility must be identified on the subdivision plat and right of access must be covenanted in the deeds of all lots in the subdivision.

c. Maintenance of Trailered Ramps and Hand-carry Launches

Maintenance: Every application for a permit, or permit by special exception for a new or replacement trailered ramp or hand-carry launch, or expansion thereof, must contain a description of the procedures the applicant will follow to maintain the facility on an ongoing basis in compliance with the standards of section 10.17,B,6,e, to minimize erosion, sedimentation, and transport of phosphorus into the waterbody.

d. Notification for Trailered Ramps and Hand-carry Launches

Public trailered ramps and public hand-carry launches are allowed without a permit within the shoreland zone of all waterbodies except those identified as Management Class 1, 2, and 6 Lakes.

The following notification provision applies to construction of new or replacement trailered ramps and hand-carry launches where such projects are allowed without a permit. If a proposed project fails to meet any notification requirement or other applicable rule, the project requires a permit.

(1) Every notification must be on a form provided by the Commission and must include:

- (a) a project design plan indicating all dimensions (width, height, length) relative to the normal high water mark including any associated structures that may be seasonal in nature;
- (b) photographs of the area in which this activity is proposed, with a site map showing the location of the proposed project and the perspectives of the photographs submitted;
- (c) documentation that application for a lease or easement to submerged lands has been filed with the Bureau of Parks and Lands and, if applicable, that the owner of the flowage rights has been contacted for permission; work on the project may not begin until a lease or easement is obtained or the Bureau of Parks and Lands has provided notification that one is not necessary, and, if applicable, that written permission has been obtained from the owner of the flowage rights;
- (d) certification from the Department of Environmental Protection that all reasonably available measures have been taken to minimize phosphorus transport to the water body; and
- (e) a statement that the project will be accomplished in conformance with the standards of section 10.17,B,6; that the project shall be maintained so as to minimize erosion, sedimentation, and transport of phosphorus into the waterbody; and that the appropriate fishery biologist at either the Department of Inland Fisheries and Wildlife or the Department of Marine Resources has been contacted to determine the best timing of construction to minimize any potential impacts to fisheries;

- (2) At least 30 days before filing the notification with the Commission, the applicant shall inform the Commission of the intent to file, mail notice to the local board of selectmen/assessors, if applicable, and to all landowners/leasees within 1000 feet of the proposed project according to the records of Maine Revenue Services or the applicable plantation/municipality. At the time of notice, a draft notification form must be available for inspection. The notice must state how to obtain a copy of the draft notification, the anticipated date for filing of the notification with the Commission, and a statement that public comments on the notification may be submitted to the Commission. Unless this deadline is extended by the Commission, any such comments must be submitted to the Commission by the anticipated date of the filing of the notification with the Commission.
- (3) The applicant may proceed with the proposed project 14 days after filing the notification with the Commission unless within this time period the Commission staff informs the applicant in writing that issues have been identified by Commission staff or other persons regarding the adequacy with which section d and e are met or that there may be an undue adverse impact on existing uses or resources in the project area. If these issues cannot be resolved, the Commission will determine if there is sufficient public interest in the project to warrant consideration of a public hearing on the notification. If a hearing is held, the Commission may consider compliance with the applicable requirements of sections d and e and impacts on existing uses or resources in the project area. Within 60 days after the close of any public hearing, the Commission shall inform the applicant in writing of its determination. If the Commission determines that the requirements of sections d and e are met and that the project will not have an undue adverse impact on existing uses or resources in the project area, the notification will be accepted. If the notification is not accepted, the project will require a permit to proceed.
- (4) Expiration: A notification expires 2 years from the date of acceptance by the Commission.

e. Design and Construction Standards for Trailered Ramps and Hand-carry Launches

Unless otherwise indicated, the following standards apply to trailered ramps and hand-carry launches that are subject to the notification provisions in section 10.17,B,6,d, and to all commercial or private trailered ramps and hand-carry launches.

- (1) Erosion Prevention and Control During Construction: Eroded soil or fill material from disturbed areas must be prevented from entering a waterbody. Properly installed erosion control measures, such as staked hay bales and silt fence, must be in place before the project begins. These erosion control measures must remain in place, functioning as intended, until the project area is permanently stabilized. Erosion and sedimentation control measures must comply with "Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices," Cumberland County Soil and Water Conservation District and Maine Department of Environmental Protection, March 1991.
- (2) Avoidance of Waterbodies: No portion of a ramp or related facilities may be located in, on, or over wetlands, other than the waterbody being accessed, identified as P-WL1 on the Commission's zoning map for the project area. Parking areas, access roads, and paths must not be located in a stream, wetland designated as P-WL1, or other waterbody, except that an access roadway may cross a stream if requirements of Section 10.17,A,4, pertaining to water crossings, are met.
- (3) Maintenance of Vegetated Buffer: Trailered ramps, hand-carry launches, and associated facilities must be designed to minimize disturbance to the waterbody's vegetated buffer. A vegetated buffer zone at least 25 feet wide for public facilities (100 feet for private facilities) must be maintained or established between any

parking area and the waterbody. In the case of private trailered ramps, if the lot does not have a well established vegetated buffer consisting of trees, shrubs and woody or herbaceous ground cover within 100 feet of the normal high water mark of the waterbody, the applicant must propose to enhance the existing shoreland buffer to compensate for the loss of vegetated buffer due to construction of the ramp.

- (4) Runoff Diversion: Parking areas, access roads, and paths must divert runoff away from the ramp or launch to an area where it will infiltrate into the ground or pass through a sedimentation basin before reaching the waterbody. For private facilities, the total land area above the normal high water mark that drains directly into the waterbody along the approach or from cut slopes must be no greater than 200% of the area of the ramp or launch lane above the normal high water mark.

(5) Trailered Ramps

- (a) A public trailered ramp having a slope in excess of 8% must be hard-surfaced except where the agency responsible for maintaining the facility anticipates a level of use that does not justify the expense of a hard surface facility. Should the level of use increase such that erosion problems become evident, the responsible agency shall insure that appropriate measures are taken to repair such erosion and avoid any further erosion.
 - (b) Private trailered ramps shall not be hard surfaced. Private sites shall be limited to those areas where the portion of the ramp below the normal high water mark is composed of natural sand, gravel or cobble bottoms.
 - (c) The portion of the ramp used by the towing vehicle may not have a slope that exceeds 15% within 100 feet of the normal high water mark. The portion of the ramp used by the trailer only may not have a slope that exceeds 20%;
 - (d) The width of the ramp lane must not exceed 20 feet for public or commercial trailered ramps, or 10 feet for private trailered ramps;
 - (e) The uppermost 6 inches of the base must consist of crushed rock or screened gravel having 5% or less material passing a 200 mesh sieve;
 - (f) Cut or filled slopes at or below the normal high water mark must be protected with riprap; cut or filled slopes above the normal high water mark must be protected by vegetation or riprap so they do not erode; and
 - (g) The total area disturbed in the construction of private facilities shall not exceed 1000 square feet within 50 feet of the normal high water mark.
- (6) Associated Docking Systems: For a public or commercial trailered ramp, an additional area up to 8 feet wide may be constructed using bituminous pavement, precast concrete planks, panels or slabs to support docking systems.
 - (7) Hand-carry Launch: A hand-carry launch must meet the following specifications:
 - (a) The hand-carry launch area and access pathway must not be hard surfaced and must be constructed of gravel, rock, vegetation, or other natural erosion resistant materials;

- (b) The sloped portion of the launch above the normal high water mark must have a slope no greater than 18%;
- (c) The access path must have a maximum width of 6 feet and must have at least one bend to divert channelized runoff; and
- (d) A landing area that is cleared of obstructions must be no wider than 20 feet and must extend no more than 20 horizontal feet below normal high water mark.
- (e) Filled or cut slopes at or below the normal high water mark must be protected with riprap.

Within those subdistricts where hand-carry launches are allowed without a permit, the standards for hand-carry launches may be exceeded upon issuance of a permit.

- (8) Geoweb: Geoweb cellular confinement system must not be used below or within two vertical feet above the normal high water mark of the waterbody.
- (9) Concrete: Uncured concrete must not be placed directly into the water. Concrete must be pre-cast and cured at least three weeks before placing it in the water or, where necessary, must be placed in forms and must cure at least one week before the forms are removed.
- (10) Washing: No washing of tools, forms, or similar material may occur in or adjacent to the waterbody or wetland.
- (11) Lumber: The use of untreated lumber is preferred. Wood treated with creosote or pentachlorophenol must not be used below the normal high water mark. Lumber pressure-treated with chromated copper arsenate (CCA) may be used, provided it is cured on dry land in such a manner as to expose all surfaces to the air for a period of at least 21 days prior to construction.
- (12) Machinery in Water: Machinery may enter the water traveling or operating only on newly placed material or temporary mats and only when necessary to excavate or place material below the water level.
- (13) Debris: Any debris generated during the work must be prevented from washing into the water and must be removed from the wetland or waterbody. Disposal of debris must be in conformance with the Solid Waste Law, 38 M.R.S.A. § 1301 et seq.
- (14) (14)Dimensional requirements: The shoreline frontage requirement for public boat launches may be waived to no less than 200 feet provided the applicant demonstrates there will be no undue adverse impact to existing uses in the project area.

f. Permanent Docks:

(1) General Criteria for Docks on Tidal and Non-Tidal Waters

- (a) Review Criteria: Wherever permanent docking facilities are allowed by special exception, the following criteria apply in addition to the Criteria for Approval, Section 10.13-B and the Criteria for Wetland Alterations, Section 10.17, B,7. Temporary docking facilities are preferred to permanent facilities. Permanent

docking facilities will be approved only where the applicant has demonstrated by substantial evidence that the siting, location and size of such structure will not interfere with navigation and:

- (i) (i) It is infeasible to utilize a non-permanent facility due to unusual or extraordinary physical conditions of the site; or
- (ii) In the case of public or institutional activities, a permanent structure is necessary for public safety and convenience; or
- (iii) In the case of commercial or industrial activities, a dock is a reasonably necessary accessory structure, and a non-permanent dock is not feasible or adequate to provide for public safety and convenience.

7. WETLAND ALTERATIONS

The following requirements apply to wetland alterations for Uses Requiring a Permit and Special Exceptions in Section 10.16, K, 3.

a. Procedural Requirements

(1) Transition

Wetland Protection (P-WL) Subdistricts identified on the Commission's Land Use Guidance Maps that were adopted prior to the adoption of this section will be regulated according to standards applying to wetlands of special significance (P- WL1 Subdistrict), as defined herein, until the Commission adopts amended Land Use Guidance Maps pursuant to this section, unless the applicant demonstrates, through delineation or other means acceptable to the Commission, that the P-WL is not a wetland of special significance.

(2) Area of Project Alteration

- (a) If a proposed activity requires a permit and will alter 15,000 or more square feet of wetland area, or 1 acre or more of overall land area, the applicant must delineate on the ground and in a site plan all wetlands within the general project area using methods described in the "Corps of Engineers Wetlands Delineation Manual" (1987).
- (b) If a proposed activity requires a permit and will alter 500 or more square feet of a P-WL1 wetland or 20,000 or more square feet of a P-WL2 or P-WL3 wetland, the Commission may require, as a condition of approval, mitigation, including compensation, as provided in the Commission's General Land Use Standards in Section 10.17, B, 7, b.
- (c) In determining the area of wetland alteration or overall land alteration, all components of a proposed activity, including all phases of a multiphased project, are treated together as constituting one single and complete project.

(3) Level of Permit Review

The level of permit review required depends upon the size of the proposed wetland alteration and the wetland subdistrict involved. If any part of the overall project requires a higher level of review, then the whole overall project will be reviewed under that higher tier, unless otherwise authorized by the Commission.

- (a) Tier 1 reviews are for projects altering 4,300 up to 15,000 sq. ft. of P-WL2 or P-WL3 wetlands.
- (b) Tier 2 reviews are for projects altering 15,000 up to 43,560 sq. ft. of P-WL2 or P-WL3 wetlands not containing critically imperiled (S1) or imperiled (S2) natural communities.
- (c) Tier 3 reviews are for projects altering any area of P-WL1 wetlands, 15,000 up to 43,560 square feet of P-WL2 or P-WL3 wetlands containing critically imperiled (S1) or imperiled (S2) natural communities, or 43,560 sq. ft. or more of P-WL2 or P-WL3 wetlands.

Alterations of P-WL1 wetlands may be eligible for Tier 1 or 2 review if the Commission determines, at the applicant's request, that the activity will have no undue adverse impact on the freshwater wetlands or other protected natural resources present. In making this determination, consideration shall include but not be limited to, such factors as the size of the alteration, functions of the impacted area, existing development or character of the area in and around the alteration site, elevation differences and hydrological connection to surface water or other protected natural resources.

- (d) When wetland delineation is required, the level of permit review required will be determined by the type of wetland indicated through delineation.

b. General Land Use Standards

(1) Avoidance

- (a) Projects requiring Tier 1 review must avoid alteration of wetland areas on the property to the extent feasible considering natural features, cost, existing technology and logistics based on the overall purpose of the project.
- (b) Projects requiring Tier 2 or Tier 3 review must not cause a loss in wetland area, functions and values if there is a practicable alternative to the project that would be less damaging to the environment. Each Tier 2 and Tier 3 application must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

(2) Minimal Alteration

Projects requiring Tier 1, Tier 2 or Tier 3 review must limit the amount of wetland to be altered to the minimum amount necessary to complete the project.

(3) Water Quality

Projects requiring Tier 1, Tier 2 or Tier 3 review must comply with applicable water quality standards; i.e., the activity will not violate any state water quality law, including those governing the classification of the State's waters. Projects that would alter wetland hydrology and could also alter stream flows or other adjacent surface waters must comply with the water quality classification standards contained in 38 M.R.S.A. 465.

(4) Erosion Control

Projects requiring Tier 1 or Tier 2 review must use erosion control measures to prevent sedimentation of surface waters. A 25-foot buffer strip must be maintained between the activity and any surface waters.

(5) Compensation

Compensation is the off-setting of a lost wetland function with a function of equal or greater value. The goal of compensation is to achieve no net loss of wetland functions and values.

- (a) For projects requiring Tier 2 or Tier 3 review, the Commission may require compensation when it determines that a wetland alteration will cause a wetland function or functions to be lost or degraded as identified by an assessment of wetland functions and values in accordance with application requirements or by the Commission's evaluation of the project.
- (b) The Commission may waive the requirement for a functional assessment, compensation, or both. The Commission may waive the requirement for a functional assessment if it already possesses the information necessary to determine the functions of the area proposed to be altered. The Commission may waive the requirement for compensation if it determines that any impact to wetland functions and values from the activity will be insignificant.

(6) No Unreasonable Impact

The following standards apply only to applications requiring Tier 3 review:

- (a) Even if a project has no practicable alternative and the applicant has minimized the proposed alteration as much as possible, the application will be denied if the activity will have an unreasonable impact on the wetland. A project will be determined to have an "unreasonable impact" if the Commission makes one or more of the following findings:

- (i) Existing uses

- The activity will unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses.

- (ii) Soil erosion

- The activity will cause unreasonable erosion of soil or sediment or unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

- (iii) Harm to habitats; fisheries

- The activity will unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater or marine fisheries or other aquatic life.

- In determining whether there is unreasonable harm to significant wildlife habitat, the Commission may consider proposed mitigation if that mitigation does not diminish the overall value of significant wildlife habitat and species utilization of the habitat in the vicinity of the proposed activity and if there is no specific

biological or physical feature unique to the habitat that would be adversely affected by the proposed activity.

(iv) Interference with natural water flow

The activity will unreasonably interfere with the natural flow of any surface or subsurface water.

(v) Flooding

The activity will unreasonably cause or increase the flooding of the alteration area or adjacent properties.

(vi) Sand supply

If the activity is on or adjacent to a sand dune, it will unreasonably interfere with the natural supply or movement of sand within or to the sand dune system or unreasonably increase the erosion hazard to the sand dune system.

(vii) Outstanding river segments

If the proposed activity is a crossing of any outstanding river segment as identified in Section 10.16, G, the applicant cannot demonstrate that no reasonable alternative exists which would have less adverse effect upon the natural and recreational features of the river segment.

(viii) Dredging

If the proposed activity involves dredging, dredge spoils disposal or transporting dredge spoils by water, the applicant cannot demonstrate that the transportation route minimizes adverse impacts on the fishing industry and that the disposal site is geologically suitable.

(ix) In determining if an activity will have an unreasonable impact, the Commission shall consider:

[a] The area of wetland that will be affected by the alteration and the degree to which the wetland is altered, including wetland beyond the physical boundaries of the project;

[b] The functions and values provided by the wetland;

[c] Any proposed compensation and the level of uncertainty regarding it; and

[d] Cumulative effects of frequent minor alterations on the wetland.

(b) Activities may not occur in, on or over any wetland of special significance containing threatened or endangered species unless the applicant demonstrates that:

(i) The wetland alteration will not disturb the threatened or endangered species; and

- (ii) The overall project will not affect the continued use or habitation of the site by the species.
- (c) (c) When considering whether a single activity is reasonable in relation to the direct and cumulative impacts on the resource, the Commission shall consider factors such as the degree of harm or benefit to the resource; the frequency of similar impacts; the duration of the activity and ability of the resource to recover; the proximity of the activity to protected or highly developed areas; traditional uses; the ability of the activity to perform as intended; public health or safety concerns addressed by the activity; and the type and degree of benefit from the activity (public, commercial or personal).

8. SERVICE DROPS

A permit is not required for a service drop provided one of the following conditions is met:

- a. The Commission has issued a permit for the structure or development to be served; or
- b. The Commission has confirmed, in writing, that the structure or development to be served is exempt from the Commission's permitting requirements.

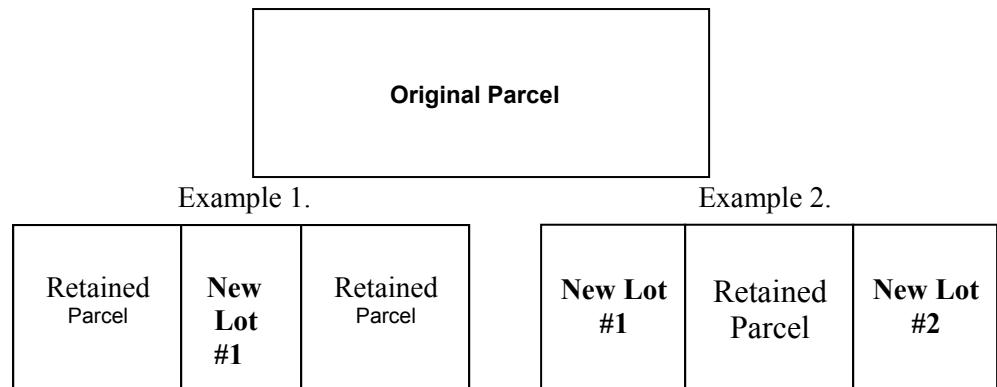
9. SUBDIVISION AND LOT CREATION

This section governs the division of lots and the creation of subdivisions.

- a. Counting Parcels, Lots, or Dwelling Units Under the Definition of Subdivision:

- (1) Lots Created by Dividing a Parcel

When a parcel is divided, the land retained by the person dividing land is always counted in determining the number of lots created unless the lot retained qualifies for any of the exemptions listed in subsection 6 below. This figure illustrates two examples:



Two examples where two new lot lines were drawn, each resulting in the creation of three parcels.

- (2) Subdivision Created by the Placement of Dwelling Units

The placement of three or more dwelling units on a single lot within a five-year period creates a subdivision. The division of one lot into two parcels coupled with the placement of one or two dwelling units on either or both lots does not create a subdivision.

- (3) Parcels Originally Part of a Subdivision

A lot or parcel which, when sold, leased or developed, was not part of a subdivision but subsequently became part of a subdivision by reason of another division by another landowner is counted as a lot under the subdivision definition. The Commission, however, will not require a subdivision permit be obtained for such lot, unless the intent of such transfer or development is to avoid the objectives of Title 12, Chapter 206-A;

(4) Remote Rental Cabins:

In order to foster primitive recreational opportunities on large tracts of land, up to eight remote rental cabins within a single contiguous ownership larger than 5,000 acres within a township shall be allowed without subdivision review. Placement of more than eight remote rental cabins within such an ownership requires subdivision review by the Commission.

(5) Existing parcels

For the purposes of the definition of subdivision in 12 M.R.S.A. § 682(2) and in these rules, an “existing parcel” shall include the contiguous area within one township, plantation, or town owned or leased by one person or group of persons in common ownership.

(6) Exempt lots

The following divisions are exempt when counting lots for purposes of subdivision, unless the intent of such transfer is to avoid the objectives of Title 12, Chapter 206-A:

(a) Large Lot Land Division

A lot or parcel is not counted as a lot for the purposes of this subsection if it qualifies under all of the following criteria as a large lot land division:

- (i) The lot is at least 40 acres in size;
- (ii) No portion of the lot is located within 1,320 feet of the normal high water line of any great pond or river or within 250 feet of the upland edge of a coastal or freshwater wetland as defined in 38 M.R.S.A. § 436-A;
- (iii) The original parcel from which the lot was divided is divided into an aggregate of no more than 10 lots within any 5-year period; and

When 3 to 10 lots of at least 40 acres in size are created within any 5-year period, a land division plan must be filed for the Commission’s review by the person creating the 3rd lot within 60 days of the creation of that lot. A “Guide to Certification of Plans for Large Lot Land Divisions” is available from the Commission that details submission requirements.

The Commission shall determine whether the plan qualifies under 12 M.R.S.A. § 682, (2), ordinarily within 15 days of receipt of the plan. A copy of the certified plan must be filed, within 30 days of certification by the Commission, with the State Tax Assessor and the appropriate registry of deeds in the county in which the land is located.

Any subsequent division of a lot created from the original parcel within 10 years of the recording of the plan in the registry of deeds is considered a subdivision. [12 M.R.S.A. § 682]^{1[1]}

^{1[1]}NOTE: Public Law 1987, chapter 864, specified that this provision "applies to any division of land occurring after April 19, 1988, except as otherwise provided in this section. Notwithstanding 1 M.R.S.A. § 302, this Act applies to any application for subdivision approval submitted after April 19, 1988.

"For the purposes of 12 M.R.S.A. chapter 206-A, this Act does not apply to sale or lease of lots containing 40 or more acres if a plan of those lots was filed with the registry of deeds and the State Tax Assessor on or before April 1988."

(b) Retained Lots

A lot is not counted as a lot for the purposes of subdivision if it is retained by the person dividing the land, is larger than 100 acres, and for a period of at least 5 years:

- (i) is retained and not sold, platted, leased, conveyed or further divided;
- (ii) is used primarily for forest or agricultural management activities, or natural resource conservation purposes; and
- (iii) is not used for residential or commercial lodging purposes;

(c) Transfers to an Abutter and Contiguous Lots

A lot transferred to an abutting owner of land is not counted as a lot for the purposes of subdivision. Where a lot is transferred to an abutter, or two or more contiguous lots are held by one person, the contiguous lots are considered merged for regulatory purposes except for:

- (i) lots that are part of a subdivision approved by the Commission;
- (ii) a land division certified by the Commission as qualifying under 12 M.R.S.A. § 682(2); or
- (iii) as provided in Section 10.11 of the Commission's rules;

(d) Divisions by Inheritance, Court Order, or Gifts:

Divisions of land accomplished solely by inheritance, by court order, or by bona fide gift to a person related to the donor by blood, marriage, or adoption are not counted as lots for the purposes of this subsection, provided that as to lots transferred by gift, such lots are not further divided or transferred within a 5-year period of the gift.

(e) Conservation Lots

A lot transferred primarily for the conservation and protection of natural resources, including protection of wildlife habitat or ecologically sensitive areas, or for public outdoor recreation to a qualified conservation holder is not counted as a lot for the purposes of this subsection. For a period of at least twenty (20) years following such transfer, the lot must be limited by deed restriction or conservation easement to such uses and the lot may not be further divided, nor transferred, except to a qualified conservation holder.

For the purposes of this subsection a qualified conservation holder is :

- (i) the State of Maine acting by the following: Baxter State Park Authority, Department of Conservation or Department of Inland Fisheries and Wildlife;

Private and Special Law 1991, chapter 92, specified that "If a complete application is filed with the Maine Land Use Regulation Commission pursuant to chapter 16 of the rules of the commission by July 1, 1993, lots are deemed to meet the applicability provisions of section 4 of those rules when those lots:

1. Contain at least 40 acres but not more than 100 acres;
2. Are shown on a plan of lots filed with the applicable registry of deeds and the State Tax Assessor between April 20, 1988 and September 30, 1989; and
3. Are not located within 1,320 feet of the normal high water line of any great pond or river or within 250 feet of the upland edge of coastal or freshwater wetland as those terms are defined in 38 M.R.S.A., § 436-A.

Sale, lease or other conveyance of any lot that is shown on a plan that meets the requirements of subsection 2, but that does not meet the requirements of subsection 1 or 3, is subject to subdivision review and approval by the Maine Land Use Regulation Commission under chapter 10 of its rules."

- (ii) the United States acting by the U.S. Forest Service of the Department of Agriculture, or the U.S. Fish and Wildlife Service or Park Service of the Department of Interior; or
 - (iii) a nonprofit, tax-exempt nature conservation organization qualifying under Section 501(c)(3) of the Internal Revenue Code
- (f) Large Lots Managed for Forest or Agricultural Management Activities or Conservation

A lot transferred or retained following transfer containing at least 5,000 acres is not counted as a lot for the purposes of this subsection, provided the lot is managed solely for the purposes of forest or agricultural management activities or conservation and the lot is not further divided for a period of at least 5 years. Nothing in this paragraph, however, shall be construed to prohibit primitive recreation on the lot.

b. Subdivision Approval Criteria

(1) Redistricting Considerations

Subdivisions are allowed only in appropriate subdistricts, as designated in Sections 10.14 - 10.16.

The Commission may approve subdivisions which include land area designated within subdistricts where subdivision is otherwise prohibited, regardless of the suitability of that land for development purposes, provided:

- (i) The land area shall comprise a single lot;
- (ii) The lot is 100 acres or less in size;
- (iii) The lot is not to be further divided; and
- (iv) The lot is subject to subdivision permit conditions prohibiting residential, commercial, industrial or other development uses.

(2) Subdivision Review and Approval

The criteria for approval of any subdivision application will be those listed in Section 10.13-B of the Commission's rules. Policies outlined in the Commission's Comprehensive Land Use Plan will be used in the review of subdivision applications. In addition, the Commission will use the applicable provisions of Section 10.17, A and B of the Commission's rules in the review of subdivision layout and design.

(3) Subdivisions Along Shorelines

In addition to the criteria listed in b (1) and (2), subdivisions along shorelines of lakes are subject to criteria outlined in the waterbody's management class designation. Management class designations are defined in Section 10.02. Lakes in each class are identified in Appendix C of the Commission's rules.

c. Spaghetti-lots

A person may not divide any parcel of land in such a way as to create a spaghetti-lot. This prohibition does not apply to utility or transportation rights-of-ways, government purchases, or a parcel of land that the Commission determines has significant public benefit and cannot be configured in any other way in order to provide that benefit [12 M.R.S.A., § 682-A].

d. Subdivision Filing with Registry of Deeds and Sale of Lots

(1) Filing requirements

Following the approval of any subdivision by the Commission, the applicant must file the subdivision plat signed by the Commission's Director with the County Registry of Deeds where the real estate is located [12 M.R.S.A, § 685B (6)].

(2) Certificates of Compliance

The sale of lots in any subdivision approved by the Commission may not proceed until a certificate of compliance has been issued. A certificate of compliance requires that, among other things, proposed deeds and plats be reviewed and approved by the Commission to ensure that permit conditions have been fulfilled [12 M.R.S.A, § 685-B (8)].

e. Notification requirements for all land divisions

(1) Large Lot Land Divisions

Large lot land divisions require that a plan be filed for Commission review. See Section 10.17, B, 9, a,(6),(a) above.

(2) Other Land Divisions

All other land divisions that occur by platting, sale, lease, or other conveyance, regardless of whether a subdivision is created, require a notification to be submitted to the Commission within 60 days of the division by the person creating the division [12 M.R.S.A, § 685-B, (6-B)]. The notification form is available from the Commission.

10. HOME OCCUPATIONS IN PROSPECTIVELY ZONED AREAS

This section governs home occupations for prospectively zoned areas, as identified in Section 10.08, 3,b.

a. Minor Home Occupation

(1) Purpose

The intent of this section is to allow minor home occupations under the conditions stated herein in residential areas and subdistricts without requiring a permit.

(2) Size

A minor home occupation may utilize no more than 50 percent of all floor area of the dwelling unit or of the total combined floor area of the dwelling unit and accessory structure(s) in which the activity is carried out, up to a limit of 1,000 square feet.

(3) Employees

No employees outside the resident family may regularly work on the premises.

(4) Exterior effects

There must be no exterior display, no exterior storage of materials, and no other exterior indications of a minor home occupation with the following exceptions:

- (a) outdoor activity areas are allowed for home child day care providers and home adult day services programs,
- (b) signs are allowed in conformance with Section 10.17,B,3 except in the Residential Development Subdistricts where one unlighted sign no greater than two square feet in area is allowed for the home occupation, and

(c) vehicles and equipment as defined below in Section 10.17 B,10,a,8.

(5) Nuisances

A minor home occupation must not generate any noise, vibration, smoke, fumes, dust, odors, heat, light, glare, electrical interference, or other effects such that levels common to a residential area are exceeded beyond the property lines or beyond the walls of the dwelling unit, if the unit is part of a multifamily dwelling.

(6) Traffic

A minor home occupation must not attract clients, customers, or students to the premises for sales or services on a regular basis, except for home child day care providers or home adult day services programs. The level of pedestrian and vehicular traffic generated by a home occupation must not significantly exceed that generated by a residence.

(7) Parking

A minor home occupation must not result in more than occasional, short-term parking, except for home child day care or adult day services providers.

(8) Vehicles and equipment

A minor home occupation must not involve the regular on-premise use or storage of more than one (1) tractor truck and semitrailer and one (1) piece of heavy equipment such as construction equipment.

(9) Hazardous wastes

A minor home occupation must not generate hazardous wastes in amounts that exceed normal residential household quantities.

a. Major Home Occupations

(1) Purpose

The intent of this section is to allow major home occupations in certain residential areas through the issuance of permits.

(2) Size

A major home occupation may utilize not more than 50 percent of all floor area of the total combined floor area of the dwelling unit and accessory structure(s) in which the activity is carried out, up to a limit of 1,500 square feet.

Adaptive rehabilitation and reuse of existing accessory structures for major home occupations may exceed the size limitations above if the following conditions are met:

- 1 – The structure is a legally existing accessory structure constructed before October 31, 2000, and
- 2 – The structure will not be expanded in size.

(3) Employees

No more than two people outside the resident family may work simultaneously on the premises in connection with all home occupations on the premises.

(4) Exterior effects

There must be no exterior display, no exterior storage of materials, and no other exterior indications of a major home occupation with the following exceptions:

- (a) outdoor activity areas are allowed for home child day care providers and home adult day services programs,
- (b) signs are allowed in conformance with 10.17.B.3 except in the Residential Development Subdistricts where one unlighted sign no greater than four square feet in area is allowed for the home occupation, and
- (c) vehicles and equipment as defined below in Section 10.17 B.10.b.8.

(5) Nuisances

A major home occupation must not generate any noise, vibration, smoke, fumes, dust, odors, heat, light, glare, electrical interference, or other effects such that levels common to a residential area are exceeded beyond the property lines or beyond the walls of the dwelling unit, if the unit is part of a multifamily dwelling.

(6) Traffic

The level of pedestrian and vehicular traffic generated by a home occupation must not significantly exceed that generated by a residence, except for home child day care providers or home adult day services programs with additional staff.

(7) Parking

Adequate off-street parking must be provided for the vehicles of employees and other traffic generated by the home occupation during peak operating hours, not to exceed six spaces, and must be effectively screened from the view of adjacent properties, access roads, and water bodies other than waters draining less than 50 square miles.

(8) Vehicles and equipment

A major home occupation must not involve the regular on-premise use or storage of more than an aggregate of four (4) tractor trucks and semitrailers and pieces of heavy equipment such as construction equipment.

(9) Hazardous wastes

A major home occupation must not generate or store quantities of hazardous wastes that exceed the amounts set for "Small Quantity Generators Plus" by the Maine Department of Environmental Protection (DEP) and must meet the requirements of DEP rules if applicable.

11. DEVELOPMENT STANDARDS FOR D-GN, D-GN2, D-GN3, D-RS, D-RS2, D-RS3, D-ES, D-CI, and P-GP2 SUBDISTRICTS IN PROSPECTIVELY ZONED AREAS

Application

These standards apply only in areas that have been prospectively zoned and for all the subdistricts listed. Prospectively zoned areas are identified in Section 10.08 of these rules.

a. Dimensional Standards

1. Road frontage requirements. See 10.17, B, 1, c.
2. Building setbacks from roads. See 10.17, B, 1, d.
3. Lot coverage requirements. See 10.17, B, 1, e.
4. Structure height. See 10.17, B, 1, f.

b. Lighting

(1) Purpose

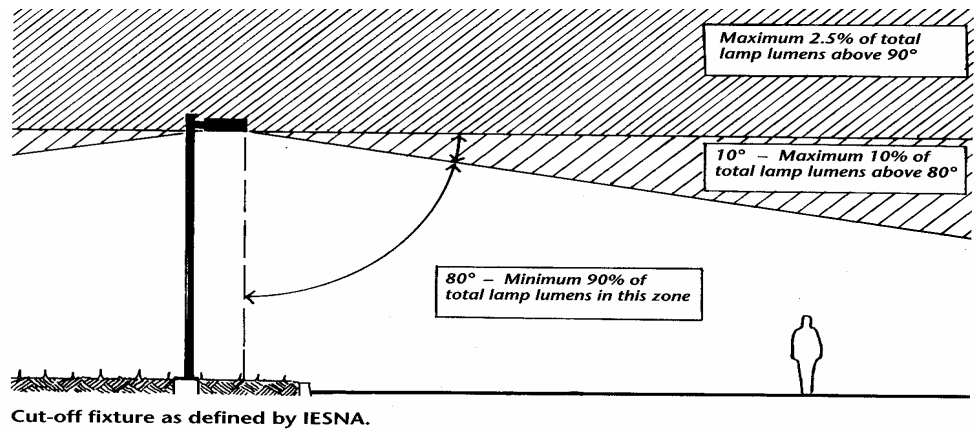
For the applicable subdistricts in prospectively zoned areas, these standards complement the existing standards on lighted signs in Section 10.17, B, 3, d.

(2) Standards for exterior light levels, glare reduction, and energy conservation.

- (a) These standards apply to all development in the D-RS, D-RS2, D-RS3, D-GN, D-GN2, D-GN3, D-ES, D-CI, and P-GP2 subdistricts. The following activities are exempt from these lighting standards:

- (i) Roadway and airport lighting;
- (ii) Temporary fair, event, or civic uses;
- (iii) Emergency lighting, provided it is temporary and is discontinued upon termination of the work;
- (iv) Lighting that is activated by motion-sensors; and
- (v) Lighting that was in place on January 1, 2001.

- (b) All residential, commercial, and industrial building exterior lighting fixtures will be full cut-off, except for incandescent lights of less than 160 watts, or any other light less than 50 watts. Full cut-off fixtures are those that project no more than 2.5% of light above the horizontal plane of the luminaire's lowest part. The diagram below illustrates a cut-off fixture as defined by the Illuminating Engineering Society of North America.



Light fixtures mounted on gasoline station or convenience store canopies shall be recessed so that fixtures are flush with the canopy. Alternatively, canopies may be indirectly lit using light beamed upward and then reflected down from the underside of the canopy. In this case light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.

- (c) All exterior lights shall be designed, located, installed and directed in such a manner as to illuminate only the target area, to the extent physically possible, and to prevent glare across the property lines.
- (d) For non-residential development, all non-essential lighting shall be turned off after business hours, leaving only the minimal necessary lighting for site security. The term "non-essential" applies to display, aesthetic, and parking lighting.

c. Buffering

1. Standards

These standards complement the existing standards for clearing contained in Section 10.17 A,2.

- (a) All principal and accessory buildings in the D-GN, D-GN2, D-GN3, D-RS, D-RS2, D-RS3, D-ES, and D-CI subdistricts shall be visually screened by a vegetative buffer made up of native trees and shrubs, except as provided in section 10.17 B, 11, 2, (c) below. Wooded buffers shall be comprised of both under- and overstory material that can be either maintained using existing vegetation or established where no such buffer exists.
- (b) Minimum widths for the vegetated buffer are as follows:

		Width of Vegetative Buffer (<i>feet</i>)							
		D-GN	D-GN2	D-GN3	D-RS	D-RS2	D-RS3	D-ES	D-CI
Roadway		25	25	25	50	50	50	75	75
Side & rear property line		15	15	15	15	15	15	15	15

Subdistrict boundary	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	50	50
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The Commission may require buffer widths exceeding the minimum width, along with other screening as necessary, in order to ensure that unsightly uses such as junkyards and automobile graveyards are completely screened from view.

(c) Exceptions to the buffering requirements are allowed under the following circumstances:

- (i) Property line buffer from adjacent development that is of a similar type, use, and intensity where adjacent landowners provide written agreement that a property line buffer is not needed,
- (ii) Existing development where extensive clearing already exists at the time of adoption of these rules January 1, 2001.
- (iii) New development where the establishment of buffers would eliminate or interfere with existing scenic views,
- (iv) In a “Main Street” setting, that is defined as an area where 80% of a street is developed with buildings, where side and rear property line buffers would interfere with pedestrian circulation or access, and
- (v) Buffer for an Extended Settlement (D-ES) and Commercial-Industrial (D-CI) subdistrict boundary where adjacent uses are compatible.

d. Building Layout In The D-GN, D-GN2, D-GN3, D-RS, And D-RS2 Subdistricts

1. Standards

- (a) New commercial, institutional, and multi-family residential development shall be substantially similar in building height, bulk, and roof lines to neighboring development.
- (b) New commercial, institutional, and multi-family residential development shall be configured to facilitate pedestrian access between adjacent sites and any nearby residential neighborhoods.
- (c) The street side of commercial structures that are visible from a public road shall contain the principal windows of the structure. The structure shall be designed such that windowless walls do not face a street or road.
- (d) Where new development is adjacent to existing development in a “Main Street” setting where at least 80% of a street is comprised of buildings other than parking lots, buildings must be configured so that 80% of the street frontage to be developed remains devoted to buildings, and both automobile and pedestrian access are facilitated.

e. Parking and Vehicular Circulation

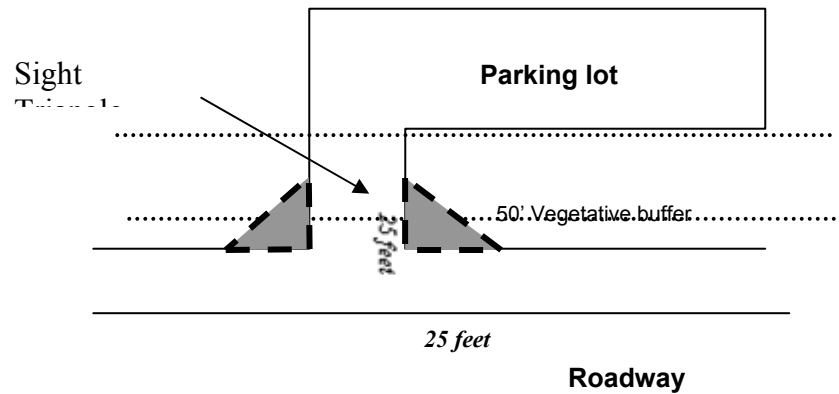
1. Standards

- (a) In areas where on-street parking already exists, new commercial development shall have on-street parking where practical.
- (b) Off-street parking for commercial development in the D-GN, D-GN2, D-GN3, D-ES, D-RS and D-RS2 subdistricts shall be located to the side or rear of

primary structures unless the applicant demonstrates that this is not practical.

(c) Off-street parking spaces shall not be directly accessible from any public way. Ingress and egress to parking areas shall be limited to driveway entrances.

(d) Parking areas shall not be placed in the required roadway buffer. However a “sight triangle” shall be maintained 25 feet in length on each side of the intersection of the driveway and the street right-of-way line, with the third side connecting the other two sides. Within each sight triangle, no landscape plants, other than low growing shrubs, shall be planted. These shrubs must be no more than 30 inches in height above the driveway elevation.



(e) Except for sight triangles parking lots for new commercial development shall be visually buffered from the public roadway and adjacent uses by planting and maintaining a vegetative buffer of trees and shrubs.

